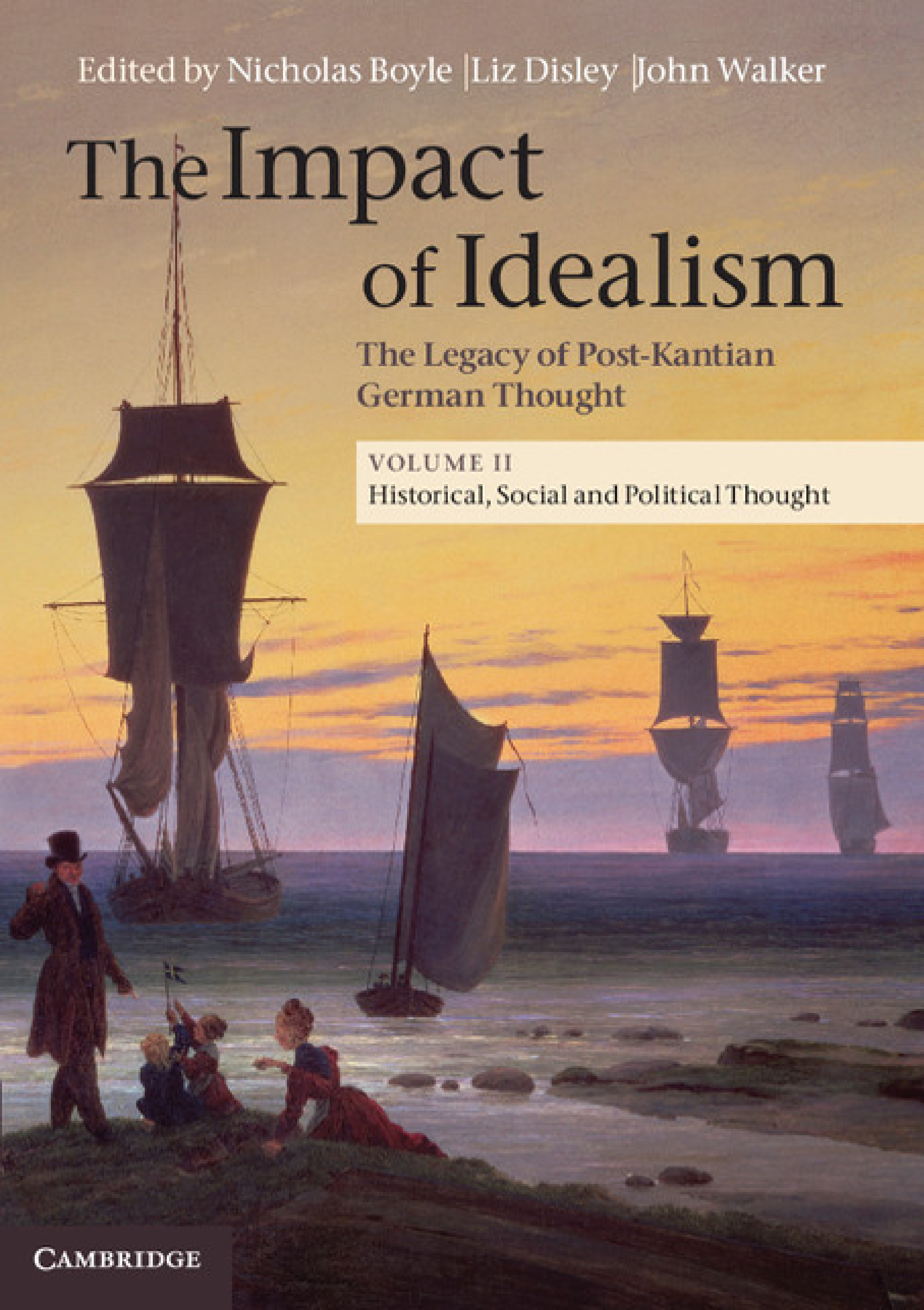

Edited by Nicholas Boyle | Liz Disley | John Walker
The Impact of Idealism
The Legacy of Post-Kantian German Thought
VOLUME II
Historical, Social and Political Thought
CAMBRIDGE

The Impact of Idealism

Volume II. Historical, Social and Political Thought

The first study of its kind, *The Impact of Idealism* assesses the impact of classical German philosophy on science, religion and culture. This volume explores German Idealism's impact on the historical, social and political thought of the nineteenth, twentieth and twenty-first centuries. Each essay focuses on an idea or concept from the high point of German philosophy around 1800, tracing out its influence on the intervening period and its importance for contemporary discussions. New light is shed on key developments of Idealist thought, such as Marxism, critical theory and feminism, and previously unexamined areas of Idealism's influence are discussed for the first time. This unique, interdisciplinary collection traces the impact of Kant, Hegel, Schelling, Fichte and others in Britain, Europe, North America and beyond. Its insights represent vital contributions to their respective fields, as well as to our understanding of German Idealism itself.

NICHOLAS BOYLE is the Schröder Professor of German Emeritus in the University of Cambridge, and a Fellow and former President of Magdalene College.

LIZ DISLEY is a Research Associate in the Department of German and Dutch at the University of Cambridge.

JOHN WALKER is Senior Lecturer in German in the Department of European Cultures and Languages at Birkbeck College, University of London.

The Impact of Idealism

The Legacy of Post-Kantian German Thought

General editors Nicholas Boyle and Liz Disley

Associate general editor Ian Cooper

Volume I. Philosophy and Natural Sciences
Edited by Karl Ameriks
Volume II. Historical, Social and Political Thought
Edited by John Walker
Volume III. Aesthetics and Literature
Edited by Christoph Jamme *and* Ian Cooper
Volume IV. Religion
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German Idealism is arguably the most influential force in philosophy over the past two hundred years. This major four-volume work is the first comprehensive survey of its impact on science, religion, sociology and the humanities, and brings together fifty-two leading scholars from across Europe and North America. Each essay discusses an idea or theme from Kant, Hegel, Schelling, Fichte or another key figure, shows how this influenced a thinker or field of study in the subsequent two centuries, and how that influence is felt in contemporary thought. Crossing established scholarly divides, the volumes deal with fields as varied as feminism, architectural history, psychoanalysis, Christology and museum curation, and subjects as diverse as love, evolution, the public sphere, the art of Andy Warhol, the music-dramas of Wagner, the philosophy of Husserl, the novels of Jane Austen, the political thought of fascism and the foundations of international law.

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Contents

Contributors

Liz Disley
University of Cambridge

Sabine Doyé
University of Siegen

Andreas Grossmann
Technical University Darmstadt

Marion Heinz
University of Siegen

David Midgley
University of Cambridge

Douglas Moggach
University of Ottawa

Stephan Nachtsheim
RWTH Aachen University

Brian O'Connor
University College Dublin

Onora O'Neill
University of Cambridge

William Rasch
Indiana University

Jörn Rüsen
Institute for Advanced Studies in the Humanities in Essen

Fred Rush
University of Notre Dame

Irene Stolzi
University of Florence

Chris Thornhill
University of Manchester

Steffen Wagner
University of Naples

John Walker
University of London

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Abbreviations

DI Henri Bergson, *Essai sur les données immédiates de la conscience*, ed. Frédéric Worms and Arnaud Bouaniche, Paris: Presses Universitaires de France, 2007

EC Henri Bergson, *L'Évolution créatrice*, ed. Frédéric Worms and Arnaud François, Paris: Presses Universitaires de France, 2007

GNR I and GNR II Johann Gottlieb Fichte, *Grundlage des Naturrechts nach Principien der Wissenschaftslehre*, vol. I, and vol. II: *Angewandtes Naturrecht*, in *J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften*, ed. R. Lauth *et al.*, Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1966

GS Immanuel Kant, *Kant's gesammelte Schriften*, ed. Königlich preussische Akademie der Wissenschaften, Berlin: de Gruyter, 1900–

GS (Adorno) Theodor W. Adorno, *Gesammelte Schriften*, ed. Rolf Tiedemann, 20 vols., Frankfurt: Suhrkamp, 1970

GS (Dilthey) Wilhelm Dilthey, *Gesammelte Schriften*, 26 vols, I–XII, Leipzig and Berlin: B. G. Teubner, 1921–36 and 1958; XIII–XXVI, Göttingen: Vandenhoeck & Ruprecht, 1970–2005

GSG Georg Simmel, *Gesamtausgabe*, Frankfurt am Main: Suhrkamp, 1996

HW G. W. F. Hegel, *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols., Frankfurt am Main: Suhrkamp, 1969–71

KW Immanuel Kant, *Werke in sechs Bänden*, ed. Wilhelm Weischedel, Wiesbaden: Insel, 1956–62

Translations

CPR Immanuel Kant, *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen Wood, Cambridge: Cambridge University Press, 1998

CPrR Immanuel Kant, *Critique of Practical Reason*, trans. Mary Gregor, introduction by Andrews Reath, Cambridge: Cambridge University Press, 1997

FNR Johann Gottlieb Fichte, *Foundations of Natural Right*, trans. and ed. Frederick Neuhouser and Michael Baur, Cambridge: Cambridge University Press, 2000

ND Theodor W. Adorno, *Negative Dialectics*, trans. E. B. Ashton, London: Routledge, 1973

PP Immanuel Kant, *Practical Philosophy*, introduction by Allen Wood, Cambridge: Cambridge University Press, 1996

PR G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen Wood, trans. H. B. Nisbet, Cambridge: Cambridge University Press, 1991

PS G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller, Oxford, Oxford University Press, 1979

Introduction: Idealism in historical, social and political thought

John Walker

There is no clearer indication that Idealism is a tradition, and that the tradition is still alive, than the current condition of historical, social and political thought in the English- and German-speaking worlds. Through its intellectual idiom as much as its characteristic philosophical themes – the tension between individual freedom and political authority; the relationship between personal and social identity; the competing claims of universal human rights and particular cultural allegiance – that tradition continues to inform a vast spectrum of political, cultural and philosophical debates in an increasingly globalised world. Indeed it offers one of the most powerful idioms for understanding the phenomenon of globalisation itself. We can understand this continuing legacy only by grasping Idealism as a continuous tradition. The impact of Idealism is a hermeneutic conversation which defines its own terms and, at least in part, the social and cultural values, procedures and institutions which make that conversation possible. A common theme of these essays is that the trajectory of German Idealist philosophy in its classical age; the uneven but still effective transmission of that philosophy to the present; and our current engagement with what we have received, can only be understood in relation to each other and as part of a continuing debate. To separate the content of the legacy from the terms of the bequest, to abstract any particular emphasis of the Idealist heritage from the whole, is to risk turning truth into ideology: a living tradition into a dead letter.

At the beginning of the twentieth century, Benedetto Croce famously asked 'What is living and what is dead of the philosophy of Hegel?' He concluded that Hegel's philosophy of history, politics and the state, which he took to be the logical conclusion of the political and historical thought of German Idealism, exemplified what was most dead: that is, most constrained by the cultural idiom of its time, and therefore least relevant to the most

urgent concerns of the modern world.[1] The political, social and historical insights of German Idealism are now widely recognised to be very much alive. But that living presence can be realised only if we see the Idealist tradition as a continuous dialectic: one whose idea continues to be relevant only if it is never reified, as its terms are constantly redefined through actual experience. That is what 'Idealism' means.

No part of the reception of German Idealism more exemplifies both the continuing relevance and the danger of reification than its historical, social and political strand. In 1992 Francis Fukuyama argued in *The End of History and the Last Man* that the fall of communism, and the apparent ease with which the American model of global capitalism spread across the world, represented the global triumph of a brand of Western liberalism that could also be described in Hegelian terms.[2] The Hegelian idea of the end of the story of Spirit could be taken to mean that the End of History had actually been achieved in the capitalist West. Nothing could be further from the truth. The history of the last two decades has shown nothing more clearly than the inadequacy of such a model to contemporary politics, both globally and in the industrially developed West. The political and cultural history of the last twenty years has revealed that questions of cultural, linguistic, religious and ethnic allegiance are more relevant than ever to international history: especially so, perhaps, in regions where a dramatic expansion of technological civilisation clashes with a multiplicity of culturally specific and yet globally present narratives of human identity. It is to questions such as these – what Axel Honneth has called 'The Struggle for Recognition' (*Der Kampf um Anerkennung*)[3] and Kwame Anthony Appiah 'The Ethics of Identity'[4] – that the legacy of German Idealism remains most centrally relevant.

The most recent work of Jürgen Habermas, for example, highlights the tension between his concept of discourse without domination (*herrschaftsfreier Diskurs*) – communication which constantly seeks to acknowledge its own cultural presuppositions, and to avoid imposing them on participants in intercultural dialogue – and the recognition that the very idea of such a discourse might *itself* involve presuppositions which belong to the secular liberal West. In a series of recent books,[5] Habermas addresses the perception, crucial to intercultural dialogue, that the idea of 'discourse without domination' can be only procedurally, but never substantively defined: it is a regulative ideal in the Kantian sense. By the same token, the voices which encounter each other in intercultural dialogue are never the product of reflection alone, but emerge from the complex systems of human ethical life which Hegel called *Sittlichkeit*: culturally specific forms of practice and

argument which underlie even the idea of Enlightenment itself. Thus intercultural communication involves a constant dialectic between the universal and the particular. Our aspiration to a global ideal of unprejudiced dialogue between cultures must also recognise that such an ideal can itself only be culturally embodied, and that no culture is without its founding presuppositions. Therefore all attempts at intercultural communication involve the interplay of what Michael Walzer calls 'thin' and 'thick' descriptions:[6] the universal principles which inspire and legitimate dialogue, and the concrete cultural contexts from which dialogue actually proceeds. Walzer's crucial insight is that moral consciousness moves from 'thick' to 'thin' description rather than the other way round – that, even as philosophers, we can never begin with the language of moral philosophy but only with the articulation of our actual moral life. Yet the universal principles of human freedom and reason, and therefore human rights, remain the central concern of moral philosophy. Whilst pursuing those principles, we must in other words attend to what Axel Honneth calls 'The I in the We' ('*Das Ich im Wir*'):[7] the way in which our reflective subjectivity is inseparable from inherited and constantly renewed cultural traditions.

No problem is more central in the thought of German Idealism, its legacy or its current impact. From Kant's concern with the criteria of practical reason and the conditions of intersubjective judgement, through Fichte's analyses of self-consciousness and Schelling's concern with the cultural presence of myth and religion to Hegel's philosophy of embodied Spirit, the German Idealist legacy directly addresses the central concerns of modern political and social philosophy. Through Herder's and Humboldt's philosophies of language and culture, that legacy continues to inform the cultural sciences and indeed what has often been called the 'cultural turn' itself.

The most important reason why the Idealist philosophical tradition continues to be relevant to the study of society, history and politics is that it insists on the connection, but can never accept the reduction, of philosophy to the particular cultural sciences which that study requires. For Croce, the Idealist synthesis which he saw epitomised in the Hegelian system was defective precisely because it contained only the informing principle – in other words, the 'idea' – but never the actual content of a philosophy of history, politics or society which could be relevant to the modern world.[8] That is not an objection to Idealism but its very point: the axis around which the future of the Idealist tradition must now turn. Idealism does not entail the claim that philosophy can or should constitute a master science or *Wissenschaft* prior to its engagement with the actual sciences of experience. That is an

engagement that must, at least in part, mean the incorporation into philosophy of those sciences' terms. However, Idealism equally insists that those particular sciences can never be wholly coherent without the universal kind of knowledge which only philosophy can bring. No philosophy of history, politics or society can be intellectually complete or fully culturally relevant if it implies that there is a 'metaphysical' domain that is real but absolutely beyond the scope of philosophical articulation. For the Idealist tradition, the universal claim of philosophical knowledge can be made coherent only by its particular application.

However, the generically Idealist claim that what we call the absolute or ultimate truth can only be conceived *in relation to* the truth of history, society or politics does not in itself entail any more specific claim about how that relationship is to be conceived. Hence (as the essays in this volume will show) the concern of the neo-Kantian tradition in German sociology with the objective validity (*Geltung*) of social norms, Dilthey's and Weber's sharply differing understandings of the understanding (*Verstehen*) of human values in society, and Habermas's Kantian ideal of intercultural dialogue as discourse free from cultural presuppositions are no less part of the Idealist tradition than the Hegelian discourse about culture and society as embodied Spirit. All these discourses are part of the 'impact of Idealism' because, although they proceed from different cultural presuppositions and reach very different conclusions, they share the same transcendental condition of possibility. That is the central Idealist postulate that we cannot know the objective truth of human culture and society without also knowing the subjective truth of human consciousness by which that reality is always informed; and vice versa. Philosophy in the Idealist mode can never be separated from, although it can never be identified with, our historically immanent understanding of ourselves as products of human culture and society. By the same token, the Idealist discourse insists that historical and cultural understanding must also be connected to those ultimate questions of human meaning with which philosophy is concerned.

The tradition (and therefore the impact) of Idealism is therefore neither singular nor uniquely progressive, nor free from the ideological pressure of the cultural contexts in which it has been expressed. The contributions to this volume will therefore be concerned with the vulnerability as well as the vitality of the Idealist tradition in social and political thought, and in particular with the strength and weakness of its resistance to the ideological temptations to which it has been exposed. The chapters will address (with different emphases) at least three different kinds of dialectic: the debate

within the original movement of German Idealism, conceived as a distinctive philosophical movement inaugurated by the Kantian critique and lasting (at least) until the aftermath of Hegelianism and the early work of Marx; the transmission and application of the characteristically Idealist idiom in social and political philosophy through a variety of intellectual and cultural contexts from the end of the classical Idealist period to the present day; and the relevance of the Idealist tradition to some crucial issues in contemporary social and political thought. In the nature of the case, these three perspectives will often interact with each other.

Onora O'Neill appropriately begins the volume with a robust defence, based on a lifetime of scholarship, of the Kantian and Idealist project in political practice, the theory of international relations and the idea of an international community. O'Neill's chapter 'From Transcendental Idealism to Political Realism' clearly demonstrates the link between the critique of knowledge and the principled advocacy of political justice within a rational public domain, which is one of the most impressive achievements of the Idealist tradition. For O'Neill, the most significant conclusions of Kant's *Critique of Pure Reason* are the twin theses of *transcendental idealism* and *empirical realism*. O'Neill argues persuasively that the Kantian critique of knowledge provides the foundation for a political philosophy which is both profoundly realist in its recognition that we neither can nor should seek immediately to realise political ideals in our actual practice of politics; and yet equally idealist in its insistence that legislation, at both national and international levels, can be guided by ideals which are *regulative* in the Kantian sense. That is to say, politics can be guided by principle only if we acknowledge that our political principles are transcendental ideals that we must never consider to be definitively realised in an existing polity, and which we can approach only by our necessarily imperfect efforts at political reform in the empirical world. Kant's political philosophy is therefore informed by both an idealist philosophical perspective and an acute empirical realism about the pitfalls of all ideological attempts to translate 'ideals' into immediate political practice. For O'Neill the impact of Idealism remains an unfinished project, but one eminently worth pursuing in the globalised, twenty-first-century world. William Rasch's piece on 'The Public of the Intellectuals – From Kant to Lyotard' presents a rigorous critical engagement with this project which is itself profoundly influenced by the Kantian critique. Rasch takes up Tony Judt's plea, in his last published book,[9] for the regeneration of a liberal public domain on the classical Enlightenment model, with the 'public intellectual' as a key figure between the governors and governed, who speaks truth to the

powerful and powerless alike and so links intellectual to political progress. The crucial condition for the emergence of the enlightened public sphere was the separation, enjoined by Kant in 1784 in his famous essay 'What Is Enlightenment?', of the private from the public sphere. This is a development of which Habermas traced the social origins and consequences,[10] and which Kant's modern successors, like Habermas and Onora O'Neill, wish to sustain today. As Rasch shows, this idea was always conceived as a political desideratum, not as politics per se. Taking up Carl Schmitt's idea of the educational dictatorship (*Erziehungsdiktatur*) which accompanies some forms of 'democratic' thought, Rasch asks hard questions about what might be the price to be paid for the realisation of this ideal. What are the consequences for Habermas's ideal of 'discourse without domination' for those who are excluded (or who exclude themselves) from it? What are the consequences for the moral and political integrity of the intellectual if he or she takes on such a role, and is the idea of the intellectual as an educator leading society to social and political maturity morally and politically defensible?

Chris Thornhill, in an essay on 'Idealism and the Idea of a Constitution', argues that the trajectory of German Idealism from Kant via Fichte and Schelling to Hegel represents a move from a socially and culturally evacuated, 'pure' philosophical construction of the sources of legitimacy in public law to a hybrid form of discourse, both philosophical and sociological in kind. Focusing on constitutional theory, Thornhill argues that the later thought of German Idealism must be understood as an intellectual movement located on the margin between philosophy and sociology; as such, it provides a model for comprehending public legal norms as both sociologically engendered and normatively necessary. By contrast, Douglas Moggach's chapter on 'German Idealism and Marx' highlights the indebtedness of Marx's thought not only to Hegel but also to his earlier Idealist predecessors, especially Kant. For Moggach, Marx's early writings before 1848 contain a decisively Kantian and therefore critical element which provides a counterbalance to what Moggach sees as the predominantly mechanistic and ideological interpretation of Marx's later writings, especially *Capital*. The Kantian heritage in Marx is thus the source of a liberal emphasis in the Marxist tradition, which finds its echo a century later in the attempt of the Frankfurt school to reclaim Marx for the libertarian project of the Enlightenment.

Stephan Nachtsheim's chapter on 'The Concept and Philosophy of Culture in Neo-Kantianism' and David Midgley's on 'After Materialism – Reflections of Idealism in *Lebensphilosophie*: Dilthey, Bergson and Simmel' address two major responses to the Idealist tradition in social and cultural

thought in late nineteenth-century Germany. Stephan Nachtsheim considers the idea of culture and the cultural philosophy of neo-Kantianism, in which the late Idealist and especially Hegelian tradition of social thought is challenged by a strenuous attempt to renew the Kantian critique of metaphysics and therefore (as the neo-Kantians understood it) all speculative knowledge. The Kantian doctrine of the categories as the conditions of the possibility of knowledge modulates into the idea of culture, conceived as an anthropologically given but historically evolving framework which is the precondition of our knowledge of society, because it is also the precondition for the validity (*Geltung*) of social norms. By contrast, David Midgley's chapter shows how, for the *Lebensphilosophen* or 'philosophers of life' like Dilthey, Simmel and Bergson, the idea of culture cannot be reified in this way, because it always presupposes an abstraction from the world of lived experience. That world cannot be understood 'critically' or reflectively in the Kantian sense, but only through a hermeneutic approach to meaning (*Verstehen*) which is both imaginative and empathetic. Despite their very different conceptions of the possibility of a philosophically based study of human society, both the neo-Kantian philosophers of culture and the *Lebensphilosophen* employ the language and concepts, and so continue the debate, of Idealist epistemology.

Fred Rush and Brian O'Connor both take up a central concern in the twentieth-century reception of Idealism, especially in the interpretation of the Idealist and Enlightenment heritage known as critical theory and associated with the Frankfurt school. Brian O'Connor's chapter critically examines Theodor Adorno's attempt to account for reason as at once part of the worlds of freedom and nature. Adorno, whilst profoundly indebted to Kant, nevertheless rejects Kant's a priori account of reason's autonomy and argues that reason has evolved from the force of human desires. Drawing on the arguments of Adorno's *Negative Dialectics* and his reception of Freud, O'Connor offers a critical assessment of both Adorno's reading of Kant and his appropriation of Kant's arguments in the service of his project of a critique of Enlightenment rationality. Fred Rush's chapter on '"Rationalisation", "Reification", "Instrumental Reason"' assesses the impact of Idealism in the formulation of these three interrelated concepts in modern European social thought. The first emerges chiefly from Max Weber's sociological analysis of the rise of capitalism and its link to Protestantism, the second from Marx's and later Lukács' critique of the alienation of labour, and the third from Horkheimer and Adorno's critique of the *Dialectic of Enlightenment*: their attempt to develop a critical philosophical theory of society, free from what they see as the entanglement of Enlightenment reason in

the instrumental reason of modern technology and the societies it serves. Rush challenges Horkheimer and Adorno's interpretation of the heritage of German Idealism, especially the work of Kant. For Rush, the Idealist interpretation of Enlightenment rationality is itself a profoundly critical act, which anticipates the idea of critical theory in a way which its modern exponents sometimes fail to acknowledge.

The essays by Steffen Wagner, Andreas Grossmann and Irene Stolzi are exercises in the historical reconstruction of the Idealist tradition, which raise profound as well as critical questions about its modern reception. Steffen Wagner traces the transmission of Idealist theories of education and social obligation from Johann Erich von Berger, teaching at the University of Kiel in the classical age of German Idealism, to Friedrich Adolf Trendelenburg, one of the leading philosophers of education in nineteenth-century Germany and a practical educationist who had a major influence on the development of the Prussian educational system at both school and university level. Wagner demonstrates one of the prime sources of the impact of the Idealist tradition which is often forgotten today: that tradition had a real and practical influence in the culture and society which it informed. Andreas Grossmann and Irene Stolzi focus on the philosophy of law and examine the use of Idealist concepts to justify authoritarian and corporatist legal doctrine in Nazi Germany and fascist Italy. Andreas Grossmann's chapter explores the highly ambivalent attempt to develop a neo-Hegelian philosophy of law in the years following the German defeat in the First World War. He examines the abuse of Hegel's concepts by neo-Hegelian legal scholars who attempted to create a pseudo-Idealist philosophy of law in line with the political and racial agenda of National Socialism. After the Second World War a quite different, liberal and constitutional reception of Hegel's *Philosophy of Right* emerged in the new Federal Republic of Germany. Grossmann analyses this development, associated especially with the leading postwar legal philosopher and constitutional jurist Ernst-Wolfgang Böckenförde, and concludes with a powerful 'plea for a new Hegel', who can be read as a thinker of freedom and human rights in legal theory as well as philosophy. Irene Stolzi considers the appropriation of Idealist concepts in the formation of corporatist doctrines of the state in Mussolini's Italy. A particular focus of her chapter is the abuse of (especially Hegelian) doctrines of the relationship between the state and civil society in the work of fascist ideologues like Giovanni Gentile, Cesarini Sforza and Ugo Spirito, for whom the idea of personal identity has no meaning outside the political organisation of the state in its corporations.

Marion Heinz's and Sabine Doyé's chapters present feminist critiques of the theory of recognition (*Anerkennungslehre*) in the work of Fichte and Hegel, respectively. Heinz and Doyé reveal the emancipatory potential of this theory, especially as Hegel's doctrine of recognition is applied to gender theory in the work of Simone de Beauvoir. However, they also highlight a major paradox in Fichte's and Hegel's idea of a phenomenology of recognition, which is highly relevant to modern debates about the construction of gender and the oppression of women and yet remains constrained by the ideological construction of womanhood characteristic of its time. They argue that the emancipatory import of the Idealist theory of recognition now needs to be liberated from the cultural and ideological context of the reception of German Idealism by which it has persistently been obscured. Liz Disley's chapter on 'Giving an Account of Oneself amongst Others: Hegel, Judith Butler and Social Ontology' focuses on the concept of recognition in Hegel's *Phenomenology of Spirit*, which she shows to be directly relevant to contemporary discussions of recognition in both analytic and Continental philosophy. Disley explains that the idea of recognition developed in the *Phenomenology* has epistemological, ontological and ethical dimensions. As such, it not only informs the idea of intersubjectivity developed in Hegel's *Philosophy of Right* but also has wide implications for contemporary political philosophy. The impact of Hegel's philosophy of recognition continues to be felt not only in contemporary debates about the nature of human selfhood, especially but not exclusively in the context of gender, but in the questions about the nature and legitimacy of human institutions to which those debates give rise.

Jörn Rüsen's concluding chapter on 'Idealism in the German Tradition of Meta-history' traces the origins of the German tradition of philosophical or meta-history in the work of thinkers such as Kant, Herder and Schiller. For Rüsen, the decisive preconditions for this kind of philosophical history are a specific hermeneutic of historical experience, for which Wilhelm von Humboldt's essay of 1821, 'On the Historian's Task', provides the model; and the idea of the constitutive role of human subjectivity in history which later philosophical Idealism expounds. Rüsen's essay concludes with an analysis of the reasons for the broken continuity of historical Idealism in the tradition of meta-history, the end of its traditional form and the present challenge to create a new one.

The greatly varied contributions to this volume testify to the range, the internal dialectic, and above all the contemporary relevance of the 'impact of Idealism' in social, historical and political thought. That impact cannot be

reduced to any one of the binary oppositions which have clouded its interpretation and continue to distort its contemporary reception. The Idealist legacy informs equally powerfully a wide range of intellectual disciplines and positions: the Kantian tradition of reflection on public constitutional law and international relations as much as a philosophy of culture, informed by thinkers like Herder, Wilhelm von Humboldt and Hegel, in which a plurality of forms of ethical life demand recognition as insistently as the universal claim of human rights. However, perhaps one emphasis in the Idealist tradition and its interpretation stands out most clearly: its intrinsic opposition to the reification of the truth about politics and society, and the reification of our social and political practice themselves. The core of the Idealist tradition is the thesis that truth must always be understood not only as substance, but as subjectivity.[11] There is no sphere of human knowledge in which this affirmation is more needed, or more actually relevant, than our knowledge of history, society and politics. However vulnerable it has been (as several of the following chapters document) to ideological distortion, the philosophical centre of the Idealist tradition is a critique of all ideology through the articulation of human selfhood. That is the demonstration that our social and political knowledge, like our social and political experience, is not 'given' by God or History, but the product of human self-consciousness working in a concrete social and political environment. At its best – that is, when it is most conscious of its history and its roots – Idealism opposes to the logic of reification a logic and ethic of *recognition*. Idealism is a philosophical discourse which liberates us by making us remember how the truth of our humanity has been made to appear as if it were a thing: the passive object of our experience, and the dead object of our minds.

By remembering that process, we can perhaps recover from it.[12] But that effort at recovery can only be an unending quest. The true impact of Idealism in social, historical and political thought is less a particular position than a language of intellectual exchange. The ultimate object of that conversation is what Wilhelm von Humboldt called *die Mitte*: the objective truth of human experience to which all articulations of culture and society aspire, as all languages aspire to a universal meaning.[13] In the human sciences (as Humboldt clearly saw) the ideal of objective knowledge can only be regulative: it can be approached only subjectively, and never definitively realised at any one point in historical time. But that is why the 'Idea' in the Idealist tradition continues to be real: to have a meaning and relevance which are not limited by the cultural context from which it emerged.

Notes

1. Benedetto Croce, *What Is Living and What Is Dead of the Philosophy of Hegel?*, trans. Douglas Ainslie (Lanham, MD: University Press of America, 1985), first published 1906, 134–49.
2. Francis Fukuyama, *The End of History and the Last Man* (London: Hamish Hamilton, 1992).
3. Axel Honneth, *The Struggle for Recognition: the moral grammar of social conflicts*, trans. Joel Anderson (Cambridge: Polity, 1995).
4. Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, NJ: Princeton University Press, 2005).
5. See Jürgen Habermas, *Between Naturalism and Religion*, trans. Ciaran Cronin (Cambridge: Polity, 2008), 101–47; 251–70; also *The Divided West*, trans. Ciaran Cronin (Cambridge: Polity, 2006), and Jürgen Habermas *et al.*, *An Awareness of What Is Missing: faith and reason in a post-secular age*, trans. Ciaran Cronin (Cambridge, Polity, 2010).
6. Michael Walzer, *Thick and Thin* (Notre Dame, IN: University of Notre Dame Press, 1994), 1–19.
7. Axel Honneth, *Das Ich im Wir: Studien zur Anerkennungstheorie* (Berlin: Suhrkamp, 2010).
8. Croce, *What Is Living and What Is Dead of the Philosophy of Hegel?*, 174–91.
9. Tony Judt, *Ill Fares the Land: a treatise on our present discontents* (London: Allen Lane, 2010).
10. Jürgen Habermas, *The Structural Transformation of the Public Sphere: an inquiry into a category of bourgeois society*, trans. Thomas Burger and Frederick Lawrence (Cambridge, MA: MIT Press and Cambridge: Polity, 1989), first published 1965.
11. G. W. F. Hegel, *Phänomenologie des Geistes*, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), III, 22–3.
12. For a powerful defence of this interpretation of Idealism in relation to critical theory, see Axel Honneth, *Reification: a new look at an old idea*, ed. Martin Jay (Oxford: Oxford University Press, 2008), 17–94.
13. See Wilhelm von Humboldt, *Über die Verschiedenheit der Sprachen und ihren Einfluss auf die geistige Entwicklung des Menschengeschlechts*, in *Werke*, ed. Andreas Flitner and Klaus Giel (Stuttgart: J. G. Cotta, 1979), III, 389.

1

From transcendental idealism to political realism

Onora O'Neill

The central arguments of the *Critique of Pure Reason* distinguish four fundamental metaphysical and epistemological claims, of which Kant rejects two and accepts two. However, the combination of empirical realism and transcendental idealism that he endorses seems at first sight to sit ill with the political realism that he endorses in some of his later writings on politics, history and human destiny. And yet, I shall argue, the combination makes good sense.

1 Basic Kant

Kant rejects *transcendental realism*[1] – traditional metaphysical realism – arguing that its claims to show that we can have knowledge about things as they are in themselves, of that which transcends or lies beyond our experience, cannot be sustained. In denying *transcendental realism* he gives up the enterprise(s) of proving theism or atheism, freedom or fatalism. We have and can have no knowledge of these or other matters that lie beyond experience. However, he also rejects *empirical* or *Berkeleian idealism*, and its claims that we cannot know anything other than our own mental states.

These moves leave him asserting the conjunction of *empirical realism* and *transcendental idealism*. *Empirical realism* is the claim that we can know aspects of the natural world. *Transcendental idealism* is the claim that this knowledge of the natural order does not stand alone, but relies on certain indispensable presuppositions *that are not themselves matters of empirical knowledge*.[2] If we are to have empirical knowledge and to act in the world we come to know,

This chapter is very much an essay rather than a comprehensive treatment of its large topics. I have learned a great deal about these topics from Katrin Flikschuh, Pauline Kleingeld and K. R. Westphal.

we must do so on the basis of a range of indispensable presuppositions. We must deploy the categories of the understanding that are indispensable for organising any experience of the natural world; we must draw on a range of regulative ideas that are needed if we are to seek or to have systematic knowledge; and we must accept certain practical postulates that are required for ethics, politics and religion. Kant's account of these presuppositions, and of the varying reasons why they are indispensable, is complex. Here I shall offer enough by way of reminders of his positions to provide a basis for considering how and why he endorses political realism in his later work.

2 Limiting knowledge

From the start of the critical enterprise Kant insists that we are faced with a deep predicament, and that the perennial aspirations of metaphysicians and theologians are doomed to disappointment: '[human reason] is burdened with questions which it cannot dismiss, since they are given to it as problems by the nature of reason itself, but which it also cannot answer, since they transcend every capacity of human reason.'[a,3] Consequently, despite centuries of endeavours, they must face up to the fact that they can prove neither theism nor atheism, neither human freedom nor fatalism. They can offer no proofs of God's existence, and 'no one will be able to boast that he *knows* that there is a God and a future life'.[b,4] Nor can they offer a proof or explanation of human freedom, since 'reason would overstep all its bounds if it took upon itself to *explain how . . . freedom is possible*'[c,5] and 'it is impossible for us to explain . . . *how pure reason can be practical*.'[d,6]

Kant does not see these limits of human reasoning as a disaster and claims that we can attain empirical knowledge, systematic scientific inquiry, practical and moral commitments and even a vision of human destiny. Famously he asserts in the preface to the second edition of the *Critique of Pure Reason* that

a. '[D]aß sie [die menschliche Vernunft] durch Fragen belästigt wird, die sie nicht abweisen kann; denn sie sind ihr durch die Natur der Vernunft selbst aufgegeben, die sie aber auch nicht beantworten kann, denn sie übersteigen alles Vermögen der menschlichen Vernunft'. I. Kant, *Werke in sechs Bänden*, ed. W. Weischedel (Wiesbaden: Insel, 1956–62) (hereafter *KW*), II, Avii

b. '[S]ich niemand rühmen können: er *wisse* daß ein Gott und daß ein künftig Leben sei'. *KW* II, A828–9/B856–7

c. '[W]ürde die Vernunft alle ihre Grenze überschreiten, wenn sie es sich zu *erklären* unterfinge . . . *wie Freiheit möglich sei*'. I. Kant, *Kant's gesammelte Schriften*, ed. Königlich preussische Akademie der Wissenschaften (Berlin: W. de Gruyter, 1900–) (hereafter *GS*), IV, 458.36–459.2

d. '[*W*]*ie reine Vernunft praktisch sein könne*, das zu erklären, dazu ist alle menschliche Vernunft gänzlich unvermögend'. *GS* IV, 461.32–4

'Thus I had to deny *knowledge* in order to make room for *faith* [Glaube].'[e,7] But what does limiting knowledge leave us with? One answer might be: scepticism about everything. Another might be random credulity. The use of the term *faith* (*Glaube* – also *confidence*, perhaps *trust*) might be read as suggesting that Kant is drawn more to credulity.

But he is in fact much more circumspect, and rejects both scepticism and credulity. He denies that reasoning is directed only at knowledge claims, let alone empirical knowledge claims, and asserts that knowledge claims *require a range of non-empirical* assumptions. Empirical inquiry cannot be the whole story. Neither action nor politics, nor the enterprises of knowledge and science, can be taken forward unless we rely on propositions that cannot be verified or proven: these assumptions are not optional.

The fact that Kant does not think of *Glaube* as credulity is borne out by his claim that it is a type of propositional attitude that is neither mere opinion nor knowledge, but one that relies on reasons that are objectively insufficient but subjectively unavoidable.[8] For the claim that they are 'subjectively unavoidable' is not a claim that they are or may be unshakable illusions. That would make no sense, since Kant holds that the very contrast between knowledge and illusion would collapse without these indispensable assumptions. The sense in which they are 'subjectively unavoidable' is that subjects who claim to know or to act must accept these assumptions. They are presuppositional and necessary ideas – in that sense *transcendental ideas* – for knowledge and action.

3 The postulates of pure practical reason

Probably the best-known discussions of the objects of *Glaube* are in the section on the *Postulates of Pure Practical Reason* of the *Critique of Practical Reason*, where Kant explains what he means by a postulate: 'a *theoretical* proposition, though one not demonstrable as such, insofar as it is attached inseparably to an a priori unconditionally valid *practical* law'.[f,9] The 'postulates' that he discusses in the *Critique of Practical Reason* are assumptions we *must* make if we are to combine commitment to knowledge of the natural order with commitment to freedom and the claims of morality, and so keep open the possibility of inserting moral intention into the world, or advancing the

e. 'Ich mußte also das *Wissen* aufheben, um zum *Glauben* Platz zu bekommen.' *KW* II, Bxxx; cf. A745/B773

f. '[E]inen *theoretischen*, als solchen aber nicht erweislichen Satz . . . so fern er einem a priori unbedingt geltenden *praktischen* Gesetze unzertrennlich anhängt'. *GS* V, 122:23–5

good within the natural order. In the *Critique of Practical Reason* he articulates these postulates in traditional theological terms: 'These postulates are those of *immortality*, of *freedom* considered positively (as the causality of a being insofar as it belongs to the intelligible world), and of *the existence of God*.'[g,10] Consequently we must assume:

> the existence of a cause of all nature, distinct from nature, which contains the ground of this connection, namely of the exact correspondence of happiness with morality . . . the highest good in the world is possible only insofar as a supreme cause of nature having a causality in keeping with the moral disposition is assumed.[h,11]

And also that:

> This endless progress is, however, possible only on the presupposition of the *existence* and personality of the same rational being continuing *endlessly* (which is called the immortality of the soul). Hence the highest good is practically possible only on the presupposition of the immortality of the soul.[i,12]

And that '[we] may hope for a further uninterrupted continuance of this progress . . . even beyond this life'.[j,13]

4 Ideas of reason

The sections of the *Critique of Practical Reason* that present the postulates discuss forms of *Glaube* that bear on the way in which we may regard what have traditionally been religious claims. However, the postulates are but a subset of the claims we must assume, that are not *theoretically* provable, yet are indispensable if we are either to know or to act. Kant thinks that there are also *regulative* principles that are practical assumptions that we *must* make if we are

g. 'Diese Postulate sind die der *Unsterblichkeit*, der *Freiheit*, positiv betrachtet (als der Causalität eines Wesens, so fern es zur intelligibelen Welt gehört), und des *Daseins Gottes*.' *GS* v, 132.19–21

h. '[D]as Dasein einer von der Natur unterschiedenen Ursache der gesammten Natur, welche den Grund dieses Zusammenhanges, nämlich der genauen Übereinstimmung der Glückseligkeit mit der Sittlichkeit, enthalte . . . ist das höchste Gut in der Welt nur möglich, so fern eine oberste Ursache der Natur angenommen wird, die eine der moralischen Gesinnung gemäße Causalität hat.' *GS* v, 125.5–16

i. 'Dieser unendliche Progressus ist aber nur unter Voraussetzung einer *Unendlichen* fortdaurenden *Existenz* und Persönlichkeit desselben vernünftigen Wesens (welche man die Unsterblichkeit der Seele nennt) möglich. Also ist das höchste Gut praktisch nur unter der Voraussetzung der Unsterblichkeit der Seele möglich.' *GS* v, 122.17–21

j. '[E]ine fernere ununterbrochene Fortsetzung desselben . . . selbst über dieses Leben hinaus zu hoffen'. *GS* v, 123.17–18

to undertake either scientific investigation of the natural world or practical activity within that world. Such activity includes the experimental work that is needed for systematic scientific investigation of the natural world, as well as activity that seeks to change the human world and its political institutions for the better.

I doubt whether it is possible to list Kant's *Ideas of Reason* exhaustively. They include ideas as diverse as those of human freedom, of the purposive unity of nature and of the social contract. So I offer the briefest of illustrations:

> freedom is only an *idea* of reason, the objective reality of which is in itself doubtful . . . Philosophy must therefore assume that no true contradiction will be found between freedom and natural necessity in the very same human action, for it cannot give up the concept of nature any more than that of freedom.[k,14]

'[T]he moral law, and with it practical reason, [has] come in and forced this concept [freedom] upon us';[l,15] 'reason has in view only a systematic unity to which it *seeks to approximate* the empirically possible unity [my italics] without ever completely reaching it';[m,16] and finally:

> [The social contract is] . . . *only an idea* of reason, which, however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people.[n,17]

The most difficult thing to understand about Kant's Ideas of Reason is not his claim that they are indispensable assumptions, but his grounds for calling them *ideas of reason*. I do not propose to go far into the elaboration or vindication of that thought here, since it would demand a large excursion into Kant's conception of reason and its vindication.[18] At this point I turn to Kant's work on history, politics and the future of mankind.

k. 'Ist Freiheit nur eine *Idee* der Vernunft, deren objective Realität an sich zweifelhaft ist . . . Diese [Philosophie] muß also wohl voraussetzen: daß kein wahrer Widerspruch zwischen Freiheit und Naturnothwendigkeit ebenderselben menschlichen Handlungen angetroffen werde, denn sie kann eben so wenig den Begriff der Natur, als den der Freiheit aufgeben.' *GS* IV, 455.24–456.6

l. '[W]äre nicht das Sittengesetz und mit ihm praktische Vernunft dazu gekommen und hätte uns diesen Begriff [Freiheit] nicht aufgedrungen'. *GS* V, 30.19–21

m. '[D]ie Vernunft hat dabei nur eine systematische Einheit im Sinne, welcher sie die *empirische mögliche* Einheit zu nähern sucht, ohne sie jemals völlig zu erreichen'. *KW* II, A568/B596; cf. A643/B671ff.

n. '[E]ine *bloße Idee* der Vernunft, die aber ihre unbezweifelte (praktische) Realität hat: nämlich jeden Gesetzgeber zu verbinden, daß er seine Gesetze so gebe, als sie aus dem vereinigten Willen eines ganzen Volks haben entspringen *können*'. *GS* VIII, 297.15–18

5 Human destiny

In a number of works on religion, history and human destiny, written across the last two decades of his life, Kant claimed that certain ideas of reason are indispensable for our picture of human history and destiny. This point was already signalled clearly in his choice of the title for his 1784 essay, 'Idea for a Universal History from a Cosmopolitan Point of View', and is the basic move behind his arguments to show that we have reason to assume that humankind is capable of progress, despite lack either of metaphysical proof or of consistently encouraging empirical evidence.

I think it is important here to see how radically Kant departs from many Enlightenment views of human progress. 'Idea for a Universal History' has often been read as a rather conventional eighteenth-century account of the dynamics by which conflict can produce human progress: unsocial sociability is the dynamo of progress; things may look bad, but we can be sure that everything is for the best. Seven of its nine sections indeed follow that pattern.

But the last two sections disrupt this view and claim that human freedom means that we cannot know *anything* about the far future of mankind. Any trends we observe may be no more than short term, so we can make no knowledge claims about the destiny of mankind:

> Since human beings in their endeavours do not behave merely instinctively, like animals, and yet also not on the whole like rational citizens of the world in accordance with an agreed upon plan, no history of them in conformity to a plan (as e.g. of bees or of beavers) appears to be possible.[o,19]

However, if human freedom prevents us from *knowing* or *predicting* the far future, it undermines knowledge claims, including both optimistic and pessimistic knowledge claims, about human destiny. The evidence available to us underdetermines claims about our far future. It points reliably neither to progress nor to decline, nor to indefinitely prolonged oscillation, and we cannot find empirical evidence or proof that tells us *whether the human race is progressing*.[20]

The available evidence leaves matters open, but in Kant's view we *may* nevertheless reasonably *hope*, *trust* or *have confidence in* progress. Such hopes

o. 'Da die Menschen in ihren Bestrebungen nicht bloß instinctmäßig wie Thiere und doch auch nicht wie vernünftige Weltbürger nach einem verabredeten Plane im Ganzen verfahren: so scheint auch keine planmäßige Geschichte (wie etwa von den Bienen oder den Bibern) von ihnen möglich zu sein.' *GS* VIII, 17.27–31

are reasonable, not because we can know that everything is for the best, but because we have no evidence against them, but rather have reason to hope that progress can be achieved, both because it is possible and because it is something at which we can aim in our practical activity. Claims about human destiny are disciplined by the demands of possibility, rather than of probability, let alone of certainty:

> *One can regard the history of the human species in the large as the completion of a hidden plan of nature to bring about an inwardly and, to this end, also an externally perfect state constitution, as the only condition* [Zustand] *in which it can fully develop all its presuppositions in humanity.*[p,21]

This passage does not assert that it is known that human progress is likely or inevitable, but merely that, given that matters are underdetermined by our knowledge, we may, and ought to, assume that we can work for a better future:

> I shall therefore be allowed to assume that, since the human race is constantly advancing with respect to culture . . . it is also to be conceived as progressing toward what is better with respect to the moral end of its existence, and that this will indeed be *interrupted* from time to time but will never be *broken off*. I do not need to prove this presupposition; it is up to its adversary to prove [his] case. For I rest my case on my innate duty . . . so to influence posterity so that it becomes always better (the possibility of this must, accordingly, also be assumed) and to do it in such a way that this duty might be legitimately handed down from one member [in the series of] generations to another. It does not matter how many doubts may be raised against my hopes from history, which, if they were proved, could move me to desist from a task so apparently futile; as long as these doubts cannot be made quite certain I cannot exchange the duty . . . for the rule of prudence not to attempt the impracticable (. . . since it is merely hypothetical); and however uncertain I may always be and remain as to whether something better is to be hoped for the human race, this cannot infringe upon the maxim, and hence upon its presupposition, necessary for practical purposes, that it is practicable.[q,22]

p. '*Man kann die Geschichte der Menschengattung im Großen als die Vollziehung eines verborgenen Plans der Natur ansehen, um eine innerlich- und zu diesem Zwecke auch äußerlich vollkommene Staatsverfassung zu Stande zu bringen, als den einzigen Zustand, in welchem sie alle ihre Anlagen in der Menschheit völlig entwickeln kann.*' *GS* VIII, 27.2–7

q. 'Ich werde also annehmen dürfen: daß, da das menschliche Geschlecht beständig im Fortrücken in Ansehung der Cultur . . . ist, es auch im Fortschreiten zum Besseren in Ansehung des

In this passage, too, Kant sees human progress as something for which we may hope and work: not as something that we can know or predict.

Even if this position does not support claims to know that human progress will continue, it seems on the surface to assert a position that sits ill with the tradition of political realism, which claims that baser motives of self-interest dominate human affairs and must be taken as fundamental by anybody who seeks to take a realistic view of human progress. Political realists typically take a dim view of the prospects of seeking any but limited improvement in human affairs, or of attempts to moralise politics.

6 Human destiny and political realism

Political realism is a family of views that recognises the limitations (the inadequacy, the silliness, the riskiness) of thinking that political action can or should be directed at moral aims.[23] It takes many forms, but typically takes what is depicted as a realistic view of the motivation of states or rulers (and of other agents) as the pursuit of *self-interest* or *raisons d'état*, and regards moralism or idealism in politics as suspect, self-deluding and often dangerous. It has been particularly influential in international relations. It would seem that if Kant thinks that we have an 'innate duty . . . so to influence posterity that it becomes always better (the possibility of this must, accordingly, also be assumed),[r,24] he must reject political realism and espouse some version of political idealism. Unsurprisingly, many of Kant's admirers have seen him as a political idealist, pointing particularly to his writings on perpetual peace, to his anticolonialism and to his vision of a just political order. But this view of Kant as a political idealist does not sit easily with other parts of his political philosophy.[25]

moralischen Zwecks seines Daseins begriffen sei, und daß dieses zwar bisweilen *unterbrochen*, aber nie *abgebrochen* sein werde. Diese Voraussetzung zu beweisen, habe ich nicht nöthig; der Gegner derselben muß beweisen. Denn ich stütze mich auf meine angeborne Pflicht . . . so auf die Nachkommenschaft zu wirken, daß sie immer besser werde (wovon also auch die Möglichkeit angenommen werden muß), und daß so diese Pflicht von einem Gliede der Zeugungen zum andern sich rechtmäßig vererben könne. Es mögen nun auch noch so viel Zweifel gegen meine Hoffnungen aus der Geschichte gemacht werden, die, wenn sie beweisend wären, mich bewegen könnten, von einer dem Anschein nach vergeblichen Arbeit abzulassen; so kann ich doch, so lange dieses nur nicht ganz gewiß gemacht werden kann, die Pflicht . . . gegen die Klugheitsregel aufs Unthunliche nicht hinzuarbeiten (. . . weil es bloße Hypothese ist) nicht vertauschen; und so ungewiß ich immer sein und bleiben mag, ob für das menschliche Geschlecht das Bessere zu hoffen sei, so kann dieses doch nicht der Maxime, mithin auch nicht der nothwendigen Voraussetzung derselben in praktischer Absicht, daß es thunlich sei, Abbruch thun.' *GS* VIII, 308.35–309.20

r. '[M]eine angeborne Pflicht . . . so auf die Nachkommenschaft zu wirken, daß sie immer besser werde (wovon also auch die Möglichkeit angenommen werden muß)'. *GS* VIII, 309.4–9

In other passages it is apparent that Kant writes as a political realist, who cautions against the pursuit of moral aims in public affairs, and emphasises the need for prudence in politics. He takes a steely eyed and highly realistic view of the pursuit of self-interest by states. He not merely links justice to a right to coerce, but limits it to what is enforceable.[26] He is critical of a right to revolution, even in the face of injustice and oppression. He takes a circumscribed view of free speech, especially in institutional life.[27] He offers a more limited account both of international and of cosmopolitan justice than most political idealists find acceptable.

When one starts looking closely at Kant's political arguments, there is a lot at which most political idealists will balk. Consider for example his version of the social contract, which seems particularly weak:

> if a public law is so constituted that a whole people *could not possibly* give its consent to it (as, e.g., that a certain class of *subjects* should have the hereditary privilege of *ruling rank*), it is unjust; but if it is *only possible* that a people could agree to it, it is a duty to consider the law just, even if the people is at present in such a situation or frame of mind that, if consulted about it, it would probably refuse its consent.[s,28]

This is just one of many passages in Kant's writing on politics and history, especially in the *Doctrine of Right*, that throws cold water on the idea that we can or should pursue moral aims in politics, or that we may disregard or resist the demands of states, even when they are unjust, or that states can or ought to set aside self-interest.

7 Kant and political realism

There is a surprising amount of disagreement in current writing on Kant's politics – much of it outstanding – on whether he is, as has generally been thought obvious, an idealist about politics, or whether he is to a large extent a realist. Some see him as a slightly disappointing idealist, at least in some of his later writings:

> Kant's final account of political morality, though rightly seen as a riposte to a certain kind of political brinkmanship, is almost

s. 'Ist nämlich dieses so beschaffen, daß ein ganzes Volk *unmöglich* dazu seine Einstimmung geben könnte (wie z. B. daß eine gewisse Klasse von *Unterthanen* erblich den Vorzug des *Herrenstandes* haben sollten), so ist es nicht gerecht; ist es aber *nur möglich*, daß ein Volk dazu zusammen stimme, so ist es Pflicht, das Gesetz für gerecht zu halten: gesetzt auch, daß das Volk jetzt in einer solchen Lage, oder Stimmung seiner Denkungsart wäre, daß es, wenn es darum befragt würde, wahrscheinlicherweise seine Beistimmung verweigern würde.' *GS* VIII, 297.21–8

> disappointingly sober and dispassionate. The moral ardour that characterises some of Kant's earlier cosmopolitan writings gives way to a stringent analysis of Right and a correspondingly narrow conception of the politically achievable in the *Doctrine of Right*.[29]

Others present him as trying to 'bridge' the difference between realism and idealism in politics:

> For Kant, the goal must always be to strengthen the prospects for a lasting peace. Neither idealism nor realism must be allowed to dominate foreign policy. A careful, critical balance must be struck between them so as 'to prevent precipitation which might injure the goal striven for' (PP, 8, AA 347).[30] In other words, modern states should not allow their confidence in the democratic peace to blind them to the verities of international relations. Likewise, they must not allow their skepticism to deny and undermine what contemporary political science has affirmed. The ideological passions of idealism and the cold calculations of realism are the necessary means to the end of achieving peace.[31]

Or is Kant ultimately a realist *at least in politics*, because he takes instrumental reasoning, prudence and the dangers of misplaced moralism in public life so seriously? There is a parallel but more narrowly focused debate about Kant's claims about international and cosmopolitan justice. Does he aspire to a league of free states (the idealist option) or to a federal state of states – effectively a world state (the realist option)?[32]

8 Any solution?

Do these positions reflect changes in Kant's views? Is he ultimately a political idealist, or is he a political realist below the surface? The answer may depend on the time frame. His conclusions about what we may reasonably *hope* and *work for* are conclusions about the indefinitely far future of mankind. They cannot be otherwise if the ample evidence of recurrent dark times is not to undermine hope. By contrast, his conclusions about what we can prudently do must be based on at least some evidence of means–ends relationships – so will only be available for nearer times, for which we have at least some grasp of what will work and what is prudent.

By distinguishing the time frame of Kant's more idealist and his more realist remarks on politics, we can make at least some sense of Kant's reasons for thinking that the changes that are needed to bring about justice within

states, or peace between them, are not enactable every time. For example, Kant argues that there are

> permissions, not to make exceptions to the rule of right but to *postpone* putting these laws into effect, without however losing sight of the end; he may not postpone to a nonexistent date . . . putting into effect the law . . . he is permitted only to delay doing so, lest implementing the law prematurely counteract its very purpose.[t,33]

Moreover, 'permissive laws of reason . . . allow a situation of public right afflicted with injustice to continue until everything has either of itself become ripe for a complete overthrow or has been made almost ripe by peaceful means'.[u,34]

Prudence in action, idealism in outlook; prudence for the near future, idealism and hope for the far future. This combination offers a way to combine realistic prudence with idealistic hopes. Both prudence and hope are a matter of orientation to action. Kant's wider philosophy bars the way either to a metaphysical defence or to an empirical vindication of the perfectibility of man and of human progress. But we can make sense of his claim to combine hopes for the long future with prudence for the here and now, since they are compatible practical commitments.

It is this combination of time frames that Kant argues must be understood if we are to have an account of history that is not merely a retelling of what has happened, but a harbinger of human destiny: 'How is it possible to have history a priori? The answer is: it is possible when the one who foretells events shapes and *creates* them.'[v,35] History of the far future, of the destiny rather than the past of mankind, is possible, but only in so far as it is taken as a practical rather than as a theoretical task, as a matter of adopting a specific commitment or attitude to the future, and of working towards that future, rather than of looking for proof or evidence to support a prediction. On this account the achievement of peace and justice are tasks ahead, and not historical inevitabilities:

t. '[D]ie zwar nicht als Ausnahmen von der Rechtsregel, aber doch in Rücksicht auf die *Ausübung* derselben . . . Erlaubnisse enthalten, die Vollführung *aufzuschieben*, ohne doch den Zweck aus den Augen zu verlieren, der diesen Aufschub . . . nicht auf den Nimmertag . . . auszusetzen, mithin die Nichterstattung, sondern nur, damit sie nicht übereilt und so der Absicht selbst zuwider geschehe, die Verzögerung erlaubt'. *GS* VIII, 347.20–9

u. 'Erlaubnißgesetze der Vernunft, den Stand eines mit Ungerechtigkeit behafteten öffentlichen Rechts noch so lange beharren zu lassen, bis zur völligen Umwälzung alles entweder von selbst gereift, oder durch friedliche Mittel der Reife nahe gebracht worden'. *GS* VIII, 373 n.

v. 'Wie ist aber eine Geschichte a priori möglich? – Antwort: wenn der Wahrsager die Begebenheiten selber macht und veranstaltet, die er zum Voraus verkündigt.' *GS* VII, 79.23–80.2

> If it is a duty to realize the condition of public right, even if only in approximation by unending progress, and if there is also a well-founded hope of this, then the *perpetual peace* that follows upon what have till now falsely been called peace treaties (strictly speaking, truces) is no empty idea but a task that . . . comes steadily closer to its goal.[w,36]

Notes

1. *Transcendent* rather than *transcendental* might have been the apt term here, given Kant's definitions, since he is denying that we can know a reality beyond human experience, not that experience has no non-experiential presuppositions.
2. *Transcendental* rather than *transcendent* is apt here because Kant is talking about necessary presuppositions, not about a reality inaccessible to human knowledge.
3. P. Guyer and A. Wood (trans. and ed.), *Critique of Pure Reason* (Cambridge: Cambridge University Press, 1998) (hereafter *CPR*), 99.
4. *Ibid.*, 689.
5. M. J. Gregor (trans. and ed.), *Practical Philosophy* (Cambridge: Cambridge University Press, 1996) (hereafter *PP*), 104.
6. *Ibid.*, 107.
7. *CPR*, 117; cf. 646–7.
8. Cf. *CPR*, 684ff. (*KW*, A820/B848ff.), as well as P. Guyer (ed.), *Critique of the Power of Judgment* (Cambridge: Cambridge University Press, 2000), 140ff.
9. *PP*, 238. Indeed, Kant suggests that transcendental realism would end in moral disaster: 'if *God and eternity with their awful majesty* would stand unceasingly *before our eyes* . . . Transgression of the law would, no doubt, be avoided: what is commanded would be done. But . . . because the spur to activity in this case would be promptly at hand and *external* . . . most actions conforming to the law would be done from fear, only a few from hope, and none at all from duty, and the moral worth of actions . . . would not exist at all . . . human conduct would thus be changed into mere mechanism' (*PP*, 258). 'Würden *Gott* und *Ewigkeit* mit ihrer *furchtbaren Majestät* uns unablässig *vor Augen* liegen . . . Die Übertretung des Gesetzes würde freilich vermieden, das Gebotene gethan werden; weil . . . der Stachel der Thätigkeit hier aber sogleich bei Hand und *äußerlich* ist . . . so würden die mehrsten gesetzmäßigen Handlungen aus Furcht, nur wenige aus Hoffnung und gar keine aus Pflicht geschehen, ein moralischer Werth der Handlungen . . . würde gar nicht existiren. Das Verhalten der Menschen . . . würde also in einen bloßen Mechanismus verwandelt werden'; *Kant's gesammelte Schriften*, ed. Königlich preussische Akademie

w. 'Wenn es Pflicht, wenn zugleich gegründete Hoffnung da ist, den Zustand eines öffentlichen Rechts, obgleich nur in einer ins Unendliche fortschreitenden Annäherung wirklich zu machen, so ist der *ewige Friede*, der auf die bisher fälschlich so genannte Friedensschlüsse (eigentlich Waffenstillstände) folgt, keine leere Idee, sondern eine Aufgabe, die, nach und nach aufgelöst, ihrem Ziele . . . beständig näher kommt.' *GS* VIII, 386.27–33

der Wissenschaften (Berlin: W. de Gruyter, 1900–) (hereafter *GS*), v, 147.9–24. This is a debatable argument, but makes Kant's position very clear.

10. *PP*, 246.
11. *Ibid.*, 240.
12. *Ibid.*, 238.
13. *Ibid.*, 239.
14. *Ibid.*, 102.
15. *Ibid.*, 163.
16. *CPR*, 551, translation altered; cf. 590ff.
17. *PP*, 296.
18. I have explored this topic in various papers, including 'The public use of reason', *Political Theory* 14 (1986), 523–51; 'Enlightenment as autonomy: Kant's vindication of reason', in P. Hulme and L. Jordanova (eds.), *The Enlightenment and Its Shadows* (London: Routledge, 1990); 'Vindicating reason', in P. Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992); 'Kant's conception of public reason', in V. Gerhardt, R.-P. Horstmann and R. Schumacher (eds.), *Kant und die Berliner Aufklärung: Akten des IX. Internationalen Kant-Kongresses* (Berlin: Walter de Gruyter, 2001), I, 35–47; 'Kant: rationality as practical reason', in A. J. Mele and P. Rawling (eds.), *The Oxford Handbook of Rationality* (Oxford: Oxford University Press, 2004), 93–109.
19. G. Zöller and R. B. Louden (eds.), *Anthropology, History, and Education* (Cambridge: Cambridge University Press, 2007), 108–9.
20. For more detail see O. O'Neill, 'Historical trends and human futures', *Studies in History and Philosophy of Science Part A* 39 (2008), 529–34.
21. Zöller and Louden (eds.), *Anthropology, History, and Education*, 116.
22. *PP*, 306.
23. The founding fathers evidently include Thucydides, Machiavelli and Hobbes, and their thinking flourishes in contemporary life.
24. *PP*, 306.
25. But see recently P. Kleingeld, 'Approaching perpetual peace: Kant's defence of a league of states and his ideal of a world federation', *European Journal of Philosophy* 12 (2004), 304–25.
26. Cf. in the *Doctrine of Right*, in the *Metaphysic of Morals*: 'Right is connected with an authorization to use coercion' (title of § D, *PP*, 388) and '[right] should not be conceived as made up of two elements, namely an obligation in accordance with a law and an authorization . . . to coerce'; *PP*, 388–9. 'Das Recht ist mit der Befugniß zu zwingen verbunden . . . das Recht darf nicht als aus zwei Stücken, nämlich der Verbindlichkeit nach einem Gesetze und der Befugniß . . . zu zwingen, zusammengesetzt gedacht werden'; *GS* VI, 231.23–232.6–9.
27. E.g. in *What Is Enlightenment?*
28. *PP*, 297.
29. K. Flikschuh, 'Hope or prudence: practical faith in Kant's political thinking', in Jürgen Stolzenberg and Fred Rush (eds.), *Faith and Reason*, International Yearbook of German Idealism 7 (Berlin: De Gruyter, 2009), 109.
30. Here the Cambridge translation is rather obscure, running 'lest implementing the law prematurely counteract its very purposes'; *PP*, 321. '[D]amit sie nicht übereilt und so der Absicht selbst zuwider geschehe'; *GS* VIII, 347.27–8.

31. G. P. Henderson, 'Idealism, realism, and the categorical imperative in Kant's "Perpetual peace"', *Commonwealth* 12 (2003), 22–3.
32. See Kleingeld, 'Approaching perpetual peace', 304–25, and P. Kleingeld, *Kant and Cosmopolitanism: the philosophical ideal of world citizenship* (Cambridge: Cambridge University Press, 2011).
33. *PP*, 320–1.
34. *Ibid.*, 341.
35. Translation O.O'N.
36. *PP*, 351.

2

The public of the intellectuals – from Kant to Lyotard

William Rasch

> Democracies corrode quite fast . . . They corrode because most people don't care very much about them. The difficulty of sustaining voluntary interest in the business of choosing the people who will rule over you is well attested. And the reason why we need intellectuals, as well as all the good journalists we can find, is to fill the space that grows between the two parts of democracy: the governed and the governors.
>
> – *Tony Judt*[1]

Tony Judt's vision of democracy is justifiably bleak; not only because he was dying when he composed these words but also because, despite its apparent near universal victory, democracy seems to be dying as well. Referring to the 'business of choosing the people who will rule over you' and identifying the 'two parts of democracy' as 'the governed and the governors' certainly falls far short of the democratic ideal. Are not the ruled also the rulers, the rulers the ruled, temporarily elevated? Admittedly, direct democracy in which all the people are assembled to make collective decisions has become impossible for all but the smallest of communities (the cynic might say: for all but the solitary individual); but even within representative democracy are not the representatives said to be *of* the people, carrying with them the trust and good will (or even a specific mandate) of the majority? What then is the 'space that grows' between the people and the people's representatives? Some have pointed to the routinised business of politics as a profession, creating the politician who lives less (if at all) *for* politics (as a calling) and more *from* politics, as a job like any other.[2] Others have emphasised political parties and the oligarchic machinery that eventually transforms them.[3] Both claims could easily be seen as the necessary result of the vast complexity of modern society, a complexity that precludes overview and transparency

and therefore calls for blind trust in 'expert' knowledge.[4] These and other, similar symptoms point to the fundamental structural divide that inheres in modern, *liberal* democracy, namely the welcome severance of the private from the public sphere. No longer participating actively in the public duty of collective decision making, *the* people dissolve into people, a collection of individuals pursuing private interests.

What surprises, at first glance, is the claim that intellectuals and journalists have it as their vocation to fill this space between. More famous, and surely more pleasing, more flattering, is the view that the link between the private individual and those who govern should be the voice of the masses themselves. The attempt to formulate a modern, 'deliberative' democracy, in which reason, as a universal medium and cosmopolitan force, will govern the governors, finds in the reception and elaboration of Kant its main tool. Indeed, Kant has become the universally celebrated champion of the public use of reason. Jürgen Habermas and others exhibit as evidence passages from a wide array of Kant's texts from 1780 on, including all three critiques and a fair sampling of his essays.[5] Here one sees Kant argue for a public sphere in which all questions may be deliberated in a dispassionately rational manner. Ideally – that is, projected into a hypothetical future that may never come about – open public discussion will eventually find its most fitting home in a pacified confederation of European republics. Peace will have become the norm, and reason, because of its unfettered public use, will be continuously self-perfecting.

Kant's notion of the intellectual, though, is bound up in the enlightenment doctrine of human perfectibility and the philosophy of history that enables the counterfactual faith in that doctrine. It is, therefore, the 'cunning of history' that is the main concern of this essay. The axe I grind has the following edge: when one turns 'humankind' as a species into a destiny or a never-ending project, one deliberately or accidentally denigrates and demeans the historically situated human individual, who must always be found deficient. Even though one cannot know concretely what history has in store for humanity, belief in perfectibility requires that one act as if humankind were moving along a progressive course. If that course of history is in turn supposed to be accelerated by deliberate human actions, if we are in some way said to be able to discern a meaning in Clio's whisperings, making progress a cultural (designed) and not merely a natural (evolutionary) artefact, then the individual can be credited with abetting, or held accountable for retarding, the species' advancement. Those who claim greater vision than the masses thus see themselves entrusted with the task of coaxing along or,

if necessary, disciplining the less able. The dark shadow that this enlightened view casts, however, is the possibility that the very desire to advance the course of history in fact causes the opposite, history's greatest depredations.

> Is the human race as a whole to be loved, or is it an object such that one must regard it with vexation, for which one indeed wishes everything good (so as not to become misanthropic) but of which one must never expect this, so that one must avert one's eyes from it?[a,6]

Is this not a strange question? First, who poses it? The simple answer is Immanuel Kant. Since we assume Kant to have been a human being, this initial answer does not get us very far, for the real question is: what does it mean for an individual human being to profess love or distaste for the race (*Geschlecht*) to which he or she belongs? Is love for the human race a type of self-love, and contempt a form of self-hatred? This seems not to be the case, because the 'we' – apparently Kant speaks for more than himself – clearly think of themselves as able to root for the human team or turn their backs on them with a measure of detachment, even studied indifference. Moved by misery, yet also capable of utter complacency, 'we' are apparently *of* the *Geschlecht* and yet above or outside it as well, situated so as to view it as a whole. Furthermore, viewing it as a whole would appear to involve a necessary self-exemption, for the observer distances herself from the actions of those who are subject to observation. There are still more questions to be asked. Does a spectator really become a misanthrope when the team she would like to cheer for loses? Does love come only with the eventual prospect of victory? And what are humanity's efforts anyway? If individual humans compete nastily with each other, how do we arrive at the view that there is some collective purpose to their actions? *That* question, Kant tells us, can be answered only when we answer this one: 'Are there in human nature predispositions from which one can gather that the race will always progress toward what is better and that the evil of present and past times will disappear in the good of future times?'[b,7] Judging the success or failure of humanity's efforts is postponed, measured by historical standards, by the

a. 'Ist das menschliche Geschlecht im ganzen zu lieben; oder ist es ein Gegenstand, den man mit Unwillen betrachten muß, dem man zwar (um nicht Misanthrop zu werden) alles Gute wünscht, es doch aber nie an ihm erwarten, mithin seine Augen lieber von ihm abwenden muß?' I. Kant, *Werke in sechs Bänden*, W. Weischedel (ed.), (Wiesbaden: Insel, 1956–62) (hereafter *KW*), XI, 165 (A270–1)

b. 'Sind in der menschlichen Natur Anlagen, aus welchen man abnehmen kann, die Gattung werde immer zum Bessern fortschreiten; und das Böse itziger und vergangener Zeiten sich in dem Guten der künftigen verlieren.' *KW* XI, 165 (A 271)

knowledge or well-grounded assumption that humanity as a whole has the ability to perfect itself, even if, now and here, singular human acts are vile and brutish. 'For in that case', Kant goes on to say, 'we could still love the race, at least in its constant approach to the good'. If, however, we can discern no such inclination toward the good in the human animal, 'we should have to hate or despise it, whatever might be said to the contrary by the affectations of universal philanthropy (which would then be at most only a love of benevolence, not of delight)'.[c,8] This seems a harsh judgement. Why should this mysterious 'we' *despise* human beings for their imperfections in the face of our lack of sure knowledge of, or projected hopes for, the future? But Kant is adamant. 'For, however one may try to exact love from oneself, one cannot avoid hating what is and remains evil, especially in deliberate mutual violation of the most sacred human rights; not exactly so as to inflict troubles upon human beings but still so as to have as little as possible to do with them.'[d,9] The choice to be made is stark and unremitting. Either the human race can make use of a capacity to improve its status morally, or there is nothing left for 'us' to do but thoroughly and completely despise the loathsome, slithering, individual creatures that comprise it.

The passage quoted above opens the third section of Kant's famous essay on the relationship between theory and practice. In essence it asserts the following: Should one wish to devise a practical (moral, legal, political) philosophy of human communal life, one must presuppose a teleological philosophy of universal history, or else refuse to be complicit in the deeds humans inflict on fellow humans. Without the ideal of human perfectibility, it asserts, the human being is not worth bothering with. Kant drives this home by way of contrast. Section 3 of the essay was aimed at remarks about human nature made by Moses Mendelssohn. The spectacle of the human animal going about its daily round throughout the course of history, Mendelssohn wrote, reveals 'roughly the same level of morality, the same measure of religion and irreligion, of virtue and vice, of happiness and misery'.[e,10] Incremental progress is followed invariably by setback. When the alternating peaks

c. 'Denn so können wir die Gattung doch wenigstens in ihrer beständigen Annäherung zum Guten lieben, sonst müßten wir sie hassen oder verachten; die Ziererei mit der allgemeinen Menschenliebe (die alsdann höchstens nur eine Liebe des Wohlwollens, nicht des Wohlgefallens, sein würde) mag dagegen sagen was sie wolle'. *KW* XI, 165 (A271)

d. 'Denn was böse ist und bleibt, vornehmlich das in vorsetzlicher wechselseitiger Verletzung der heiligsten Menchenrechte, das kann man – auch bei der größten Bemühung, Liebe in sich zu erzwingen – doch nicht vermeiden zu hassen: nicht gerade um Menschen Übels zuzufügen, aber doch so wenig wie möglich mit ihnen zu tun zu haben.' *KW* XI, 165 (A271–2)

e. '[U]ngefähr dieselbe Stufe der Sittlichkeit, dasselbe Maß von Religion und Irreligion, von Tugend und Laster, von Glückseligkeit und Elend'. In *KW* XI, 166 (A272–3)

and valleys are averaged out, we are left with the flat-line horizon as seen from a desert. For the moral philosopher, so Kant believes, such a view is intolerable. If the actors in this 'farce' (*Possenspiel*) never tire of their roles as alternating victors and victims, it is because they are 'fools' (*Narren*); but the philosophical 'spectator' (*Zuschauer*) cannot allow himself to believe that such a world can be reconciled with the 'morality of a wise creator' and must therefore 'be allowed to assume' that the human race is 'progressing toward what is better with respect to the moral ends of its existence'.[f,11] Kant defends this assumption – which, as his language indicates, is all it can be, a necessary assumption, an Idea, not an object of knowledge – by denying that the burden of proof lies with him. Rather, it is the negative that must be proven. That is, one need not prove that human existence has a purpose; one assumes it and challenges the sceptic to prove otherwise. Nevertheless, for those whom this version of Pascal's wager does not convince, Kant adduces evidence that 'the human race as a whole has actually made considerable moral progress', based on the fact that 'its judgment about what one is as compared with what one ought to be, hence our self-reproach, becomes all the more severe the more levels of morality we have already climbed during the whole of the course of the world we have become acquainted with'.[g,12] Our increased dissatisfaction with the ways of the world gives negative proof that we have indeed progressed to such a degree that we now at least may triumph over complacency. We humans (of the better sort, at least) torture ourselves because we know we have become superior to what we were in the past, yet are also convinced that we could be so much better in the future than we are now.

The philosophy of history that is here called for had already been articulated in Kant's 1784 essay on 'The Idea for a Universal History from a Cosmopolitan Point of View'. There Kant starts from the paradox of random, chaotic, unforeseeable, singular empirical events (birth, marriage, death), each irremediably contingent; yet, when taken as a statistical aggregate, these human activities form thoroughly predictable and reliable patterns. In the same way, he suggests, 'what meets the eye in individual subjects as confused and irregular yet in the whole species can be recognised as a steadily

f. 'Moralität eines weisen Welturhebers . . . werde also annehmen dürfen . . . im Fortschreiten zum Besseren in Ansehung des moralischen Zwecks seines Daseins'. *KW* XI, 167 (A274)

g. '[D]as menschliche Geschlecht, im ganzen, wirklich in unserm Zeitalter . . . ansehnlich moralisch zum selbst Besseren fortgerückt sei . . . sein Urteil über das, was man ist, in Vergleichung mit dem, was man sein sollte, mithin unser Selbsttadel immer desto strenger wird, je mehr Stufen der Sittlichkeit wir im Ganzen des uns bekannt gewordenen Weltlaufs schon erstiegen haben'. *KW* XI, 168–9 (A277)

progressing though slow development of its original predispositions'.[h,13] That is, the larger statistical pattern of actions and events we discern when looking at humanity as a whole leads us to believe a similar moral regularity, a slow but steady progress, can be found in the species as well. Kant, starting with the teleological axiom that '[*a*]*ll natural predispositions of a creature are determined sometime to develop themselves completely and purposively*',[i,14] notes that in the case of the human being, such a destiny has not been granted to each individual but to the species as a whole, and therefore concludes that human history is a more or less continuous (if possibly endless) ascending path to moral harmony protected by appropriate, humanly contrived political and legal institutions. Reason, which allows humans to separate themselves from the compulsion of instinct and attain autonomy, is of course involved in the solution to the problem; but the real mechanism that pushes us forward is our own flawed nature itself, our 'unsocial sociability'.[j,15] That is, the evils we so deplore, the ones that lead us almost to despair, are the means by which the eventual good will arise. 'Just as omnilateral violence and the need arising from it must finally bring a people to decide to subject itself to the coercion that reason itself prescribes to them as means, namely to public law, and to enter into a *civil constitution*, so too must the need arising from the constant wars by which states in turn try to encroach upon or subjugate one another at last bring them, even against their will, to enter into a *cosmopolitan constitution*', or at least into 'a rightful condition of *federation* in accordance with a commonly agreed upon *right of nations*'.[k,16] The pattern of this mechanism is easily recognisable. Private vices lead to public good, and human nature itself becomes the 'invisible hand' that drives us on to perfection, as the eighth proposition of 'Idea for a Universal History' states explicitly: '*One can regard the history of the human species in the large as the completion of a hidden plan of nature to bring about an inwardly and, to this end, also an externally perfect state constitution,*

h. '[W]as an einzelnen Subjekten verwickelt und regellos in die Augen fällt, an der ganzen Gattung doch als eine stetig fortgehende obgleich langsame Entwickelung der ursprünglichen Anlagen derselben werde erkannt werden können'. *KW* XI, 33 (A386)

i. '*Alle Naturanlagen eines Geschöpfes sind bestimmt, sich einmal vollständig und zweckmäßig auszuwickeln*.' *KW* XI, 35 (A388)

j. '[*U*]*ngesellige Geselligkeit*'. *KW* XI, 37 (A392)

k. 'So wie allseitige Gewalttätigkeit und daraus entspringende Not endlich ein Volk zur Entschließung bringen mußte, sich dem Zwange, den ihm die Vernunft selbst als Mittel vorschreibt, nämlich dem öffentlicher Gesetze zu unterwerfen, und in eine *staatsbürgerliche* Verfassung zu treten: so muß auch die Not aus den beständigen Kriegen, in welchen wiederum Staaten einander zu schmälern oder zu unterjochen suchen, sie zuletzt dahin bringen, selbst wider Willen, entweder in eine *weltbürgerliche* Verfassung zu treten . . . ein rechtlicher Zustand der *Föderation* nach einem gemeinschaftlich verabredeten *Völkerrecht*.' *KW* XI, 169–70 (A278–9)

as the only condition in which it can fully develop all its predispositions in humanity.'[l,17]

The striking phrase 'can be regarded' ('*Man kann . . . ansehen*') implies that such a way of looking at history is not necessary but conditional. *If* one does not share Mendelssohn's fatalism, *if* one does not wish to get lost in the thicket of good and evil individual deeds, *if* one looks for reassurance that the future promises us a better world, *then* one *can* look for evidence and interpret signs that point to nature's 'hidden plan,' nature's guiding hand, which urgently and none too gently pushes us, as a whole, toward the goal that a 'wise creator' has designed for us. Even here, in his careful reference to a creator (whom he refrains from calling 'God'), we are in the presence of a subtle caution. Our natural impulses, which are the sources of the unsociability that indirectly drives us toward the improvement of our capacities, these impulses 'thus seem [*wohl*] to betray the ordering of a wise creator; and not the hand of an evil spirit who might have bunglingly intervened in his splendid undertaking or enviously ruined it'.[m,18] There is a good deal of theology packed into this sentence – the denial of Gnosticism and the affirmation of human freedom as a mechanism of salvation (here, albeit, of temporal salvation) – all of it delicately rendered hypothetical by a single word, *wohl*. We are in fact placed before a choice: beneficent creator or malignant demon. Would we not prefer the former? Lurking behind this choice is an alternative to be avoided at all cost, namely the denial of a 'lawful nature' that would leave us with nothing but 'a purposelessly playing nature', a 'desolate chance', not the 'guideline of reason'.[n,19] *If*, therefore, we wish to uphold the dignity of the human being as an autonomous, rational, self-directed creature, *then* we *ought* to believe that nature 'had been more concerned about his rational *self-esteem* than about his well-being'.[o,20] All these qualifiers – *kann*, *wohl* and a host of others scattered throughout these texts on history and progress – redirect attention from the history narrated to the narration itself. Again, *if* we wish to view nature as purposive, *then* the image of a 'wise creator' is appropriate, encouraging and

l. '*Man kann die Geschichte der Menschengattung im großen als die Vollziehung eines verborgenen Plans der Natur ansehen, um eine innerlich- und, zu diesem Zwecke, auch äußerlich-vollkommene Staatsverfassung zu Stande zu bringen, als den einzigen Zustand, in welchem sie alle ihre Anlagen in der Menschheit völlig entwickeln kann*.' *KW* XI, 45 (A403)

m. '[V]erraten also wohl die Anordnung eines weisen Schöpfers; und nicht etwa die Hand eines bösartigen Geistes, der in seine herrliche Anstalt gepfuscht oder sie neidischer Weise verderbt habe'. *KW* XI, 39 (A394)

n. '[S]o haben wir nicht mehr eine gesetzmäßige, sondern eine zwecklos spielende Natur; und das trostlose Ungefähr tritt an die Stelle des Leitfadens der Vernunft'. *KW* XI, 35 (A388)

o. '[G]leich als habe sie es mehr auf seine vernünftige *Selbstschätzung*, als auf sein Wohlbefinden angelegt'. *KW* XI, 36–7 (A391)

qualifiedly necessary. Structured hypothetically within an if/then structure, purposiveness cannot be simply supposed because it requires the prior 'if'. There is no straightforward, metaphysical or empirical claim that such a hidden plan of nature exists or that we could possibly and positively know what this plan entailed, even if it did exist. Rather, we are presented here with an invitation: please consider human history as if it progressed according to a beneficent blueprint.

Kant is anything but naive, and the coyness of his narrative does not escape his notice and comment. 'It is, to be sure, a strange and apparently an absurd stroke, to want to write a *history* in accordance with an idea of how the course of the world would have to go if it were to conform to certain rational ends; it appears that with such an aim only a *novel* could be brought about'.[p,21] Indeed, it *is* a novel that Kant writes, a 'just so' story with a practical and cosmopolitan purpose. And he goes on to give what he takes to be a good reason for composing such a novel, utilising the if/then structure we have by now become accustomed to. 'If, nevertheless, one may assume that nature does not proceed without a plan or final aim even in the play of human freedom, then this idea could become useful.'[q,22] His aesthetic model is not so much didactic as it is pragmatic, or even 'performative'. The *assumption* of purposiveness allows us to view random acts as if they fit neatly into a plot, the coherence of which becomes gradually revealed as we continue to 'read' the unfolding of providential history. His account of this historical narrative is meant to provide the morally concerned spectator with an interpretive framework for understanding the conditions of possibility for a future community (the famed 'Kingdom of Ends') of rationally autonomous, self-governing human beings. Thus, the ninth proposition reads: '*A philosophical attempt to work out universal world history according to a plan of nature that aims at the perfect civil union of the human species, must be regarded as possible and even as furthering this aim of nature*.'[r,23] With this final step, the composition of the universal-historical novel becomes a necessary if self-conscious ('must be regarded') supplement to nature. Minimally, nature's plan works only – or at least works

p. 'Es ist zwar ein befremdlicher und, dem Anscheine nach, ungereimter Anschlag, nach einer Idee, wie der Weltlauf gehen müßte, wenn er gewissen vernünftigen Zwecken angemessen sein sollte eine *Geschichte* abfassen zu wollen; es scheint, in einer solchen Absicht könne nur ein Roman zu Stande kommen.' *KW* XI, 47–8 (A407)

q. 'Wenn man indessen annehmen darf: daß die Natur, selbst im Spiele der menschlichen Freiheit, nicht ohne Plan und Endabsicht verfahre, so könnte diese Idee doch wohl brauchbar werden.' *KW* XI, 48 (A407)

r. '*Ein philosophischer Versuch, die allgemeine Weltgeschichte nach einem Plane der Natur, der auf die vollkommene bürgerliche Vereinigung in der Menschengattung abziele, zu bearbeiten, muß als möglich, und selbst für diese Naturabsicht beförderlich angesehen werden*.' *KW* XI, 47 (A407)

better, more quickly – when humans are aware of the plan and cooperate with it. More radically, nature's plan *is* the 'fictive' *narrative* of nature's purposiveness, which, then, is called into being by way of deliberate human action. Either way, the key word of this ninth proposition is 'must' (*muß*), which intensifies the 'can' (*kann*) of Proposition 8. We are no longer *invited* to consider history under the aspect of progress and imagine what that might look like; rather, it has become *imperative* to do so, because, in so doing, we at the very least accelerate, if not in fact initiate, the process of civic betterment.

Kant's account, whether we think progress to be propelled primarily by nature or freedom, is both tolerable and pleasing because counterfactual. It does not purport to describe the way things are or even the way things necessarily will be, but the way things could be if certain rules of thought were properly ascertained and correctly practised, at first by the few, and then adopted by the many. In other words, the unfinished, perhaps never ending, but nevertheless necessary Enlightenment project of modernity gives us something to hope for. Though initiated by the 'cunning of nature' – which uses the human animal's 'unsocial sociability' to drag the nomad out of the state of nature and into civil society, into, that is, settled agricultural communities based on private property guaranteed by state-enforced law[24] – further progress can be accomplished only with the complicity of human reason. Yes, such accounts please us, but may also carry with them a heavy if often unacknowledged burden. If nature is purposive and history has a providential meaning and ultimate purpose, and if the human being has a role (through the free exercise of reason) in the fulfilment of that purpose, then failure or setback might – no, *must* – be due to a moral failure for which the human should be held accountable. Kant is therefore explicitly concerned about the causes for human performance anxieties. The 'sorrow' that the 'thoughtless' human may feel when witnessing the seemingly chaotic and purposeless events of history may become a 'moral corruption'. Therefore, Kant urges us to be '*content with providence*' and *not* blame fate for our toils and troubles, so that we 'not lose sight of our own responsibility which perhaps might be the sole cause of all these ills, and avoid the remedy against them, which consists in self-improvement'.[s,25] Kant appears here to be dispensing pastoral care. But behind the reassurances and promise of meaning lies a distinct threat. Would failure to think the coming good impede its arrival? If so, can one who fails to write or affirm such a narrative live with the guilt?

s. '*Mit der Vorsehung zufrieden zu sein* . . . indem wir die Schuld davon aufs Schicksal schieben, nicht unsere eigene, die vielleicht die einzige Ursache aller dieser Übel sein mag, darüber aus dem Auge zu setzen, und in der Selbstbesserung die Hülfe dagegen zu versäumen'. *KW* xi, 99 (A23)

More importantly, should others tolerate such a misprision? For providence to fulfil its mission, mandatory human self-correction is required; and since the majority, who are lazy, foolish or simply rendered incompetent by inertia, suffer from a self-incurred intellectual immaturity (*Unmündigkeit*), the project of modernity needs supervision. Here, then, inserting themselves between the governed and the governors, enter the intellectuals, those charged with correcting the masters when their measures prevent free intellectual inquiry, and educating the mastered on how to think for themselves, so that the human race may eventually cross or, like the runner who forever travels half the remaining distance, at least infinitely approach its historical finish line.

Kant's finely structured answer to the question of Enlightenment is justly praised for its advocacy of the public use of reason, no matter the almost Byzantine qualifications of what counts as the public and who has access to it. Whatever constrictions Kant felt necessary to impose because of his own political beliefs (advocacy of republicanism, contempt for democracy) and the political situation of his time and place (eighteenth-century, absolutist Prussia), later commentators feel that Kant's public is infinitely expandable, fit to include any and all who agree to abide by clearly defined rules. My interest here is not the notion of public reason per se, but the role of the intellectual – the *Gelehrte*, or, later, the philosopher – in supervising the use of public reason. In this way we will return to the questions I asked at the beginning of this essay and to the place assigned intellectuals by Tony Judt, namely between the ruled and the rulers. The answers to all these questions depend in part on how one chooses to narrate history.

Perhaps the most famous opening line in modern philosophy is Kant's answer to the question: what is enlightenment? '*Enlightenment is the human being's emergence from his self-incurred immaturity* [*selbstverschuldeten Unmündigkeit*]'.[t,26] Not surprisingly, the German original is more powerful. The blame, the guilt, the debt (all found in the root – *Schuld*) to be paid for one's legal and moral minority is one's own. Why? Because 'so great a part of humankind' are too lazy, too cowardly to use their rational capacities to think for themselves. Even 'after nature has long since emancipated them from other people's direction', this great proportion of humanity submits only too willingly to the authority of self-appointed guardians – preachers, teachers, bureaucrats, well-meaning know-it-alls.[u,27] How is one to regard

t. '*Aufklärung ist der Ausgang des Menschen aus seiner selbstverschuldeten Unmündigkeit*.' *KW* XI, 53 (A481)

u. '[E]in so großer Teil der Menschen, nachdem sie die Natur längst von fremder Leitung frei gesprochen'. *KW* XI, 53 (A481)

this band of lazy and cowardly ne'er-do-wells? With sarcasm: 'It is so comfortable to be a minor!'[v,28] And how should one respond? With a challenge: '*Sapere aude*! Have courage to make use of your *own* understanding! is thus the motto of enlightenment.'[w,29] In short, Kant's answer to the famous question opens with a swift kick in the pants and unmistakable marching orders.

In his January, 1983, lecture on Kant's text, Michel Foucault discusses the opening passage in ways that warrant further elaboration. That our tutelage is 'self-incurred', he notes, is due to human error. A 'flaw, a shortcoming, or a form of will'[30] deflects us from our task, makes us incapable of thinking for ourselves. Our culpability is not some sort of 'natural powerlessness',[31] for it is assumed that we are able to overcome it and are urged resolutely to do so. Kant's providential narrative of history, in other words, is neither a simple Christian homily about imperfection nor a customary Enlightenment tale of the stages of human development from infancy to full maturation. Rather, we have always had the potential to act autonomously. Failure is a failure of will, thus self-incurred. Zeroing in on Kant's 'motto', Foucault asserts:

> The *Wahlspruch* is actually a maxim, precept, or order given to others and to oneself, but at the same time – and this is what makes the precept of the *Wahlspruch* a motto, a blazon – it is something by which one identifies oneself and enables one to distinguish oneself from others. The use of a maxim as a precept is therefore at once an order and a distinctive mark.[32]

It is unclear just what distinction Foucault has in mind, but surely one possibility is to assume that what distinguishes the 'we' here from the greater proportion of humanity is the same as what separated the reflective spectator above from the foolish actors in life's petty dramas. The narrative that offers the reader a larger trajectory of human history provided by a providential nature is not just a novel that one may choose whether or not to read, it is an obligatory assignment, though far too many lack the courage and energy to carry it out.

How, then, to encourage them? Kant has no answer. Rather, he focuses on how to carve out a public space for the educated and literate few to occupy. We know the model: Argue but Obey.[x,33] Within the Prussian state governed by the monarchy, everyone obeys of course, but the directive here is meant

v. 'Es ist so bequem, unmündig zu sein.' *KW* XI, 53 (A482)

w. '*Sapere aude!* Habe Mut, dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung.' *KW* XI, 53 (A481)

x. 'Räsonniert . . . aber gehorcht'. *KW* XI, 55 (A484)

for the educated elite, especially those who are functionaries of the state. While performing their civic duties, servants of the state – professors, teachers, lawyers, military officers, preachers, tax collectors, civil servants of all stripes – remain within state and church-sanctioned limits, preaching dogma, giving orders, teaching nothing that would subvert the prescribed divine or secular order. In their own time, however, and as 'scholars', they may enter the literary public sphere to debate the truth of the various disciplinary and professional dogmas, from religion to military strategy and taxation policy. Nothing is said here about how such scholarly debate could directly provoke the il- or barely literate to begin to think for themselves. Yes, there could be a precocious country lad or lass who hungrily learns to devour learned journals and thereby raises him- or herself to the rank of mature autonomy (Fichte comes to mind), but this is no programme of emancipation. Rather, Kant introduces here a division of labour by segregating two functions of the intellectual, a specialised 'private' (meaning civic) and general 'public' (meaning exempt from narrow civic duty) activity. This division of labour is a self-division; all functionaries may wish to publish as public scholars, as well as to serve king and country. The intellectual is both civil servant and potential independent scholar.

With Kant's famed public/private distinction, we have one model answering to the demand that intellectuals insert themselves between the rulers and the ruled. On the one hand, intellectuals (as functionaries) act as the guardians of those who have not accepted the *Sapere aude* challenge, preaching and teaching the state's verities to the lazy and cowardly multitude, the ruled. Having served their civic duty in exemplary fashion, they then may turn to their duty as autonomous, reasoning beings and publish their independently arrived-at views in the public sphere of learned readers. In so doing, they in effect preach and teach reason's truth to their own functionary selves and, more importantly, to those who rule – ultimately the king. The intellectual as functionary serves the rulers in their rule over the ruled, while that same intellectual, now as free and independent scholar, serves the interests of the ruled in articulating well-reasoned and reasonable forms of rule to the ruler. This picture of the Janus-faced intellectual, however, becomes greatly complicated a decade later, as revealed in Kant's compilation of essays published under the title *The Conflict of the Faculties*. The death of Frederick the Great, marking an end to a degree of tolerance in intellectual matters, clearly had an effect; but what we see in this text is not so much a break as a further elaboration of the role of the scholar – now concentrated in the figure of the philosopher.

Whereas in 'What Is Enlightenment?' the intellectual was bifurcated into the public pedagogue and the independent scholar, in *Conflict* we find a trifurcation: functionary, disciplinary scholar and, as final authority, the philosopher. Kant begins with the familiar division between scholars and functionaries, now referred to as 'businessmen' (*Geschäftsleute*) or 'technicians of learning' (*Werkkundige der Gelehrsamkeit*). These technicians are literally 'tools [*Werkzeuge*] of the government (clergymen, magistrates and physicians)' and thus 'are not free to make public use of their learning as they see fit, but are subject to the censorship of the faculties . . . , for they deal directly with the people, who are incompetent [*Idioten*]'.[y,34] This revision of the functionaries' role represents a restriction of access to the public sphere. The businessman or technician of learning can no longer shed his civic persona and take on the public role of scholar, for scholars are now seen as a separate professional class with no direct contact with the uneducated people, comprising '*incorporated scholars*' (meaning university-trained university professors) or 'scholars *at large*' (either amateurs or those working in academies and scientific societies).[z,35]

This brings us to the titular conflict of the university faculties, which in the eighteenth century were still divided into the higher faculties of theology, law and medicine, on the one hand, and, on the other, the remaining lower faculties, including philosophy. Not among the 'higher' faculties, philosophy nevertheless is clearly the greatest authority for Kant. Unlike the lofty triumvirate, philosophy is independent of any specific civic duty (like preaching, for instance), and therefore its legitimacy is not lodged in its pragmatic function, but resides purely and simply in reason and the pursuit of truth. Because reason entails the capacity 'to judge autonomously – that is, freely (according to the principles of thought in general) –', the function of philosophy is 'to control' the other faculties by adjudicating their disputes.[aa,36] Philosophy is thus the apex of a hierarchy that works something like this. The clergy, lawyers and doctors perform their daily tasks in accordance with government regulations. They are forbidden to contradict openly their various dogmas in any way lest they 'incite the people to rebel against the

y. 'Werkzeuge der Regierung (Geistliche, Justizbeamte und Ärzte) . . . nicht frei sind, aus eigener Weisheit, sondern nur unter der Censur der Facultäten von der Gelehrsamkeit öffentlichen Gebrauch zu machen, müssen, weil sie sich unmittelbar ans Volk wenden, welches aus Idioten besteht'. *KW* XI, 280

z. 'Zünftigen . . . zunftfreie Gelehrte'. *KW* XI, 279

aa. '[N]ach der Autonomie, d.i. frei (Principien des Denkens überhaupt gemäß), zu urtheilen . . . zu controlliren'. *KW* XI, 290

government'.[bb,37] Within academia, these dogmas may be investigated and the various controversies that arise within the higher faculties concerning what is taught or practised among the people may be debated. However, these disputes must be confined to the faculties within the university, for if the 'businessmen of the faculties (in their role of practitioners) bring the conflict before the civil community . . . they drag it illegitimately before the judgment seat of the people (who are not competent to judge in scholarly matters), and it ceases to be a scholarly debate'.[cc,38] If the conflict cannot be resolved within one or all of the higher faculties, then it must be presented before the court of reason represented by philosophy. The strife occasioned by disagreement within the higher faculties becomes, metaphorically, a legal one. 'This conflict cannot and should not be settled by an amicable accommodation (*amicabilis compositio*), but (as a lawsuit) calls for a verdict, that is, the decision of a judge (reason) which has the force of law.'[dd,39] For instance, a biblical theologian believes in the divine revelation and the authority of scriptural teachings. The philosopher claims (actually: knows) that 'religion does not differ in any point from morality . . . Its distinction from morality is a merely formal one: that reason in its legislation uses the Idea of God, which is derived from morality itself, to give morality influence on man's will to fulfill all his duties.'[ee,40] Therefore, when the biblical theologian derives dogma from scripture, philosophy has the right to intervene if such dogma distorts the true nature of religion.

> For the higher faculty, being concerned primarily for theoretical biblical knowledge, suspects the lower faculty of philosophizing away all the teachings that must be considered real revelation and so taken literally, and of ascribing to them whatever sense suits it. On the other hand the lower faculty, looking more to the practical – that is, more to religion than to dogma – accuses the higher of so concentrating on the means, dogma, that it completely loses sight of the final end, inner

bb. '[G]egen die Regierung aufwiegeln'. *KW* XI, 292

cc. '[W]enn der Streit vor dem bürgerlichen gemeinen Wesen . . . geführt würde, wie es die Geschäftsleute (unter dem Namen der Praktiker) gern versuchen, so wird er unbefugterweise vor den Richterstuhl des Volks (dem in Sachen der Gelehrsamkeit gar kein Urtheil zusteht) gezogen und hört auf, ein gelehrter Streit zu sein'. *KW* XI, 298 n.

dd. 'Dieser Streit kann und soll nicht durch friedliche Übereinkunft (amicabilis compositio) beigelegt werden, sondern bedarf (als Proceß) einer Sentenz, d.i. des rechtskräftigen Spruchs eines Richters (der Vernunft).' *KW* XI, 297

ee. 'Religion unterscheidet sich nicht . . . in irgend einem Stücke von der Moral . . . ihr Unterschied von dieser ist blos formal, d.i. eine Gesetzgebung der Vernunft, um der Moral durch die aus dieser selbst erzeugte Idee von Gott auf den menschlichen Willen zu Erfüllung aller seiner Pflichten Einfluß zu geben.' *KW* XI, 301

> religion, which must be moral and based on reason. And so, when conflict arises about the sense of a scriptural text, philosophy – that is, the lower faculty, which has truth as its end – claims the prerogative of deciding its meaning.[ff, 41]

Philosophy appears as both the plaintiff and the judge in the court of reason. The plaintiff wins the case.

With Kant the Enlightenment leaves court and coffee house to go to college. The university-trained and university-employed scholar becomes the final arbiter of all things rational. In the name of universal publicity the public sphere cloisters itself. The reader may feel that this overstates the case, but it points to the realm of the academic scholar (*der Gelehrte*) as 'the source of the self-evident legitimacy of the modern intellectual's "ultimate supervision" of public affairs'.[42] Since it was Fichte who explicitly defined the vocation of the scholar, it is to Fichte that I briefly turn.

According to Fichte's *Some Lectures concerning the Scholar's Vocation*, the vocation of the singular human being is to achieve perfect self-harmony or autonomy. Were we all such autonomous, harmonious human beings, experiencing no self-contradictions, no external determination, then no state would be necessary because all humans 'would be totally equal to each other' and thus 'would constitute but one single subject'.[gg, 43] Alas, 'myriads of myriads of years' may need to pass before 'all civic bonds will become superfluous';[hh, 44] therefore, until then 'our social vocation consists in the process of communal perfection, that is, perfecting ourselves by freely making use of the effect which others have on us and perfecting others by acting in turn upon them as upon free beings'.[ii, 45] Instead of pure identity, we strive

ff. '[I]ndem die erstere [obere Facultät] als für die theoretische biblische Erkenntnis vorzüglich besorgt, die letztere [untere] in Verdacht zieht, alle Lehren, die als eigentliche Offenbarungslehren und also buchstäblich angenommen werden müßten, wegzuphilosophieren und ihnen einen beliebigen Sinn unterzuschieben, diese aber, als mehr aufs Praktische, d.i. mehr auf Religion als auf Kirchenglauben, sehend, umgekehrt jene beschuldigt, durch solche Mittel den Endzweck, der als innere Religion moralisch sein muß und auf der Vernunft beruht, ganz aus den Augen zu bringen. Daher die letztere, welche die Wahrheit zum Zweck hat, mithin die Philosophie, im Falle des Streits über den Sinn einer Schriftstelle sich das Vorrecht anmaßt, ihn zu bestimmen.' *KW* XI, 303

gg. '[W]ären sie alle einander völlig gleich; sie wären nur Eins; ein einziges Subjekt'. J. G. Fichte, *Von den Pflichten der Gelehrten: Jenaer Vorlesungen 1794/95*, ed. Reinhard Lauth, Hans Jacob and Peter K. Schneider (Hamburg: Meiner, 1971), 19

hh. 'Myriaden von Myriaden Jahren . . . alle Staatsverbindungen überflüßig seyn werden'. Fichte, *Von den Pflichten der Gelehrten*, 16

ii. '[G]emeinschaftliche Vervollkommnung, Vervollkommnung seiner selbst durch die frei benutzte Einwirkung andrer auf uns: und Vervollkommnung anderer durch Rückwirkung auf sie, als auf freie Wesen ist unsere Bestimmung in der Gesellschaft'. Fichte, *Von den Pflichten der Gelehrten*, 20

for perfect complementarity; we receive with grace the external determination that fits us all into communal harmony. Yet, such communal harmony presupposes social stratification into estates or classes. It could be said that social inequality compensates for natural inequality.

> Everyone has the duty not only to want to be generally useful to society, but also the duty, according to the best of his knowledge, to bend all of his efforts toward society's final end: the constant improvement of the human species . . . And thus, from this new inequality there arises a new equality: the equitable advancement of culture in every individual.[jj,46]

The work of perfectibility is facilitated by the division of labour.

Fichte's step-by-step, lecture-by-lecture, clarification of the duty of the individual, the individual in society, introduces in the fourth lecture the estate of the scholar, who is responsible for the all-important domain of knowledge. Unlike Kant, Fichte places his faith not in nature but science (*Wissenschaft*). Because the 'whole progress of the human race depends directly upon the progress of science', it follows that 'the true vocation of the scholarly class is the *supreme supervision of the actual progress of the human race in general and the unceasing promotion of this progress*'.[kk,47] Nicholas Boyle has drawn our attention to the phrase 'supreme supervision' (*oberste Aufsicht*). '[I]n the eighteenth century', he writes, 'it is a normal bureaucratic phrase for a supreme administrative body in a particular area of government'. By metaphorical extension, then, 'Fichte sees the intellectuals as the supreme officials of the human race.'[48] Whereas Kant anointed scholars (more precisely, philosophers) supreme judges in the court of reason, Fichte trades the judge's robe for other vestments by making them missionaries of science, 'the priests of a post-religious and post-clerical society'.[49]

Kant's universal history has nature, both physical and human, as its agent. Personified, this main character propels the narrative action of his finely constructed novel, the composition of which even a Wise Creator might have been proud to claim as His own. The governing plot device, 'unsocial

jj. 'Jeder hat die Pflicht, nicht nur überhaupt der Gesellschaft nützlich seyn zu wollen; sondern auch seinem besten Wissen nach alle seine Bemühungen auf den lezten Zweck der Gesellschaft zu richten, auf den – das Menschengeschlecht immer mehr zu veredeln . . . – und so entsteht denn durch diese neue Ungleichheit eine neue Gleichheit, nemlich ein gleichförmiger Fortgang der Kultur in allen Individuen'. Fichte, *Von den Pflichten der Gelehrten*, 30

kk. 'Von dem Fortgange der Wissenschaften hängt unmittelbar der ganze Fortgang des Menschengeschlechts ab . . . die wahre Bestimmung des Gelehrtenstandes: es ist die *oberste Aufsicht über den wirklichen Fortgang des Menschengeschlechts im allgemeinen, und die stete Beförderung dieses Fortgangs*'. Fichte, *Von den Pflichten der Gelehrten*, 37

sociability', follows a common eighteenth-century pattern: 'private vices, public virtue'. Perhaps the most common example of this motif is economic. Here one talks of public welfare arising from a multitude of actions executed out of self-interest (or, more bluntly, greed). Kant assumes that the collective effects of 'private vices' (violence) will one day become so intense and painful, that the human race will allow itself to be coerced by law to live peacefully and harmoniously in well-governed republics. Fichte too follows this pattern of thought. The 'private vice' of social differentiation into estates or classes actively enhances human cooperation, leading eventually to the 'public good' of true equality, namely true self-identity. In both cases, imperfection serves as the mechanism that drives perfectibility.

The philosopher Odo Marquard has referred to this figure as the '*bonum-durch-malum-Gedanke*' (bonum-through-malum principle) and attaches it to what he considers to be the dominant mode of doing philosophy in the eighteenth and early nineteenth centuries: theodicy.[50] Leibniz of course initiated the form (and invented the word) by attempting to answer the question why a benign creator would allow so much evil in the world. Marquard reads the posing and answering of this question in terms of a tribunal. Human beings put God on trial, accusing him of capriciously and wilfully allowing avoidable malignancies. The defence pleads innocence, either through claiming that the good balances out the bad or – *bonum-durch-malum* – a higher good necessarily arises from unavoidable evil. During the course of the century and especially with the arrival of transcendental idealism, God is exonerated, either because he is relegated, with man, to co-authorship of the moral world, or because he simply vanishes from the scene altogether. In his stead, humanity becomes the accused and forced to sit in the defendant's seat. That is, with Kant's insistence on human autonomy the human being assumes responsibility for the world and thus becomes both prosecutor (who is also judge and jury) and prosecuted.

The apparent paradox of humanity being both prosecutor and prosecuted is easily resolved by the invention of *Geschichtsphilosophie*, the philosophy of history. Transcendental philosophy exonerated God by shifting responsibility to morally autonomous humans, beings who share the moral universe with God, or simply displace him, because they have the capacity to make the moral law and impose it on themselves. Combined with the assumption of infinite perfectibility, human autonomy becomes the absolute 'tribunalisation' of theodicy as universal history. Among humans, there are those who stand in the vanguard and those in the rear. To the extent that the intended realisation of human perfectibility remains unfulfilled, to the extent that the

engine of history wheezes and sputters, 'evil' remains in the world. Since evil arises within the world as the result of human (not divine) action or inaction, those responsible for the persistence of evil must be hunted down, tried and, if found guilty, punished. Clearly, those in the vanguard, by virtue of their greater vision concerning the trajectory of universal history, are in a position to apprehend – understand and seize – the culprits, those laggards who retard progress, whether intentionally as saboteurs or out of sheer indifference. We can give names to the vanguard: Robespierre, for instance; the Hegel who hears Napoleon pass through Jena in the night; the proletariat, or their spokespersons (Lukács, Lenin, the Vanguard Party); the critics of ideology. The role of the prosecutor never remains unfilled.

One may chafe at the sweeping inclusiveness of Marquard's use of the term theodicy. Similarly, one may find the *tu quoque* response readily slipping its moorings, for it seems that Marquard himself dons the prosecutor's garb. It would be fairer, however, to view Marquard as the defence attorney, for he seeks to relieve the burden placed on the individual's shoulders by denying infinite perfectibility. No offence has been committed, for the prosecution wilfully misrepresents history, making of it a weapon to be used against the 'lazy' and 'cowardly', the 'fools' or *Idioten*, who stand accused of retarding progress. Marquard thereby stands in a line of postwar European intellectuals who reject the tyranny of perfectibility by rejecting the philosophy of history that imposes it: Arnold Gehlen, who adopted Henri de Man's notion of *posthistoire*; Niklas Luhmann, who replaced teleology with contingency and history with evolution; and Jean-François Lyotard, who served the final rites over the metanarratives of *Bildung* and emancipation. Who, then, stands opposite Marquard? Who is the contemporary prosecutor who still raises the charge and demands a verdict? Marquard points explicitly and implicitly to Jürgen Habermas (and the tradition he and his followers represent).[51]

Habermas displays a similar ambivalence as Kant: deep concern for liberal-democratic governance coupled with a sense of the executive function of the critical intellectual. In his enormously influential study of the rise of the eighteenth-century public sphere, the normative ideal of public opinion, expressed as the private (male, property-holding, educated) individual's public use of reason, was meant to govern the governors. This – the public use of reason – was to fill the growing space between the rulers and the ruled; it was to restore agency to the people, even as they remained cloistered in their private pleasure domes; it was to be the new *agora*, the virtual sovereign assembly of citizens in our modern, mass democracy. Habermas charts not

just the rise but also the historical decline of normative *Öffentlichkeit*, from the bustling, buzzing London coffee houses and the public discourse of their *Spectator*s and *Tatler*s, through the growth of mass media during the nineteenth century, down to the death knell tolled by the mid-twentieth-century culture industry. His aim of course is to resurrect the corpse. Even in the face of its empirical demise, he steadfastly holds, the public use of reason must survive as a norm, and norms must be policed.

Like Kant's, Habermas's normative public sphere is open only to the qualified. That there is a mass public sphere, open to all who read, watch television, surf the internet, etc., is unavoidable. This mass public sphere, referred to contemptuously as the public sphere of the *Stammtische*, must be supervised by the intellectual, or, as he has put it, must be censored (*Zensur*) by 'official opinion' (*offizielle Meinung*), when necessary.[52] Explicitly praising his own postwar re-education and the allegiance to 'American ideals' (*amerikanischen Idealen*) it fostered, he seems both to champion American (certainly Western) exceptionalism and a type of political education that takes Anglo-American self-descriptions not only as official history, but as the norm for all to follow. With what we might want to call a self-incurred naiveté, Habermas claims that with the exception of the George W. Bush administration, the US has, since Wilson, acted out of international and not self-interest, and thus – again with the exception of the embarrassing President Bush – is the motor of historical perfectibility.[53] Those who do not toe the line should not voice their opinion to a mass audience, and if they do they must be chastised. For example, it was not merely the legitimate difference of opinion regarding Nolte's thesis about the relationship of the Shoah and Soviet gulags that inspired Habermas's interventions in the famous *Historikerstreit* of the 1980s, but the very fact that Nolte's thesis was discussed in the mass public sphere at all. 'In the public sphere', he wrote then, 'in connection with political education, museums, and the teaching of history, the question of the apologetic production of images of history is a directly political one'. What exercised Habermas at the time was the fact that the *Frankfurter Allgemeine Zeitung* published what he took to be a 'macabre reckoning of damages' that he associated with the radical right. He then hastily added that what he complains about 'certainly has nothing to do with forbidding scholars to discuss certain questions. If the dispute that began with the rejoinders of Eberhard Jäckel, Jürgen Kocka . . . and Hans Mommsen . . . had taken place in an academic journal, I could not have been offended by it – I would not even have seen it'.[54] We verge here on what could almost be seen as an unintended parody of Kant. The servants of the public

sphere (which replaces the Kantian absolutist state) may dispute accepted historical opinion as 'scholars' in the academic public sphere (Kant's *Lesewelt*); but in their functions as public educators they must preach dogma. Furthermore, the added factor that Habermas could or could not be 'offended' by what leaches into the unofficial public sphere seems to place him in the position of the Kantian philosopher as supreme judge regarding matters of reason. None of this is inherently wrong or absurd. Perhaps the intellectual who sits between the state and the masses *should* serve as de facto censor. Perhaps the people are *Stammtisch-Idioten* who deserve the intellectual's contempt. But it is more than a little odd that such a view of public debate is uttered in the name of 'the political morality of a polity which . . . was founded in the spirit of the occidental understanding of freedom, responsibility and self-determination'.[55]

Is there another way of figuring the Kantian intellectual? Jean-François Lyotard thought so. In the fickle world of contemporary 'theory', Lyotard has become largely ignored, relegated to obligatory citations (and derision) whenever the terms 'postmodern' or 'metanarratives' arise. Yet, of the so-called French post-structuralists, Lyotard was the most vested in the work of Kant. All but ignoring Kant's practical philosophy and rejecting both the imperatives of the system and the philosophy of history, he was nevertheless concerned with reconstructing a plausible 'critique of political reason' based on reflective judgement and the notion of the sublime. Above all, he saw the philosopher's role as the opposite of that of the judge. Rather than turning disputes into litigations, he wished, in the spirit of his age, to nullify verdicts, rekindle disagreement and navigate the passages from one language game (or 'phrase') to another.

The demise of the metanarratives of knowledge and emancipation entails a critique of universal history and modern forms of political legitimation. The question Lyotard asks is, 'can we today continue to organize the mass of events coming from the human and nonhuman world by referring them to the Idea of a universal history of humanity?'[56] The word 'continue' in the question implies a tradition – modernity – in which a 'we', as the subject of history, has the capacity to effect and direct the course of progress. The answer Lyotard gives to his question is 'no'. The emancipation of humanity from the shackles it has cast for itself has been a failure; it has even led to the universal exercise of terror. Modernity derives its legitimacy from narratives of emancipation that 'ground this legitimacy . . . in a future to be brought about, that is, in an Idea to realise. This Idea (of freedom, "enlightenment," socialism, general prosperity) has legitimating value because it is universal. It

gives modernity its characteristic mode: the *project*, that is, the will directed toward a goal'.[57] Terror is initiated when a particular instance – the French people (1789), say, or the proletariat (1917) – dons the mantle of the universal 'we'. Acknowledging Hegel's 'dialectic of the particular and the universal', he writes that '[f]or the ideal of absolute freedom, which is empty, any given reality must be suspected of being an obstacle to freedom'. Thus: 'Terror acts on the suspicion that nothing is emancipated enough – and makes it into a politics. Every particular reality is a plot against the pure, universal will . . . The suppression of reality through the death of suspects satisfies a logic that sees reality as a plot against the Idea.'[58] The self-selected guardians of the Idea prevail by destroying the 'they'.

Lyotard, then, presupposes the collapse of universal history. Like Kant, indeed modelled on him, Lyotard claims a series of 'signs of history' that corroborate the failure of the various narratives that legitimate the project of modernity. In Part II of *Conflict*, Kant raises the question of human progress again and declares that '[t]here must be some experience in the human race which, as an event [*Begebenheit*], points to the disposition and capacity of the human race to be the cause of its own advance toward the better, and . . . toward the human race as being the author of this advance.'[ll,59] The event itself – in this case the French Revolution – is not the cause of historical progress but, rather, an 'intimation' (*hindeutend*), a 'historical sign' (*Geschichtszeichen*).[60] This sign of history is perceived not by the actors of history or even by the observers of the actors, but by the observer of the observers. What the second-order observer sees is 'simply the mode of thinking of the spectators' which 'manifests such a universal yet disinterested sympathy for the players on one side against those on the other' (namely for the revolutionaries), that it demonstrates 'a moral character of humanity . . . which not only permits people to hope for progress toward the better, but is already itself progress in so far as its capacity is sufficient for the present'.[mm,61] Based on this 'sign', Kant feels empowered to 'claim to be able to predict to the human race . . . its progress toward the better . . . For such a phenomenon in human history *is not to be forgotten*, because it has revealed a tendency and faculty in human nature . . . which nature and freedom alone,

ll. 'Es muß irgend eine Erfahrung im Menschengeschlechte vorkommen, die als Begebenheit auf eine Beschaffenheit und ein Vermögen desselben hinweiset, Ursache von dem Fortrücken desselben zum Besseren und . . . Urheber desselben zu sein.' *KW* XI, 356

mm. '[B]loß die Denkungsart der Zuschauer . . . eine so allgemeine und doch uneigennützige Theilnehmung der Spielenden auf einer Seite gegen die auf der andern . . . einen Charakter des Menschengeschlechts . . . der das Fortschreiten zum Besseren nicht allein hoffen läßt, sondern selbst schon ein solches ist, so weit das Vermögen desselben für jetzt zureicht'. *KW* XI, 357–8

united in the human race in conformity with inner principles of right, could have promised'.[nn,62] Kant sees confirmed in the reaction to the French Revolution what he has already presupposed, the inevitability of moral progress, which means the power of human freedom to (co-)determine the future.

Lyotard is drawn to the sign because of the form of reflective judgement it elicits and its affinity with the structure of the Kantian sublime. But he is not drawn to what Kant sees the sign say. Yet, he cannot directly falsify Kant's claims for the same reason that Kant cannot directly prove his Idea of moral progress. Rather, to be able to claim that there is no teleology of history (a presupposition), Lyotard also has to find signs and then read them correctly. He names a few. 'Auschwitz' refutes the speculative doctrine, 'namely that all that is real is rational, and all that is rational is real'. A series of events from 'Berlin 1953' to 'Berlin 1989' refutes historical materialism, 'namely that all that is proletarian is communist, and all that is communist is proletarian'. 'May 1968' refutes liberal-democratic discourse, 'namely that all that concerns the political community can be said within the rules of the genre of representation'. And a series of economic crises refute the general prosperity promised by post-Keynesian economic liberalism, 'namely that a harmonious regulation of needs and the means to satisfy them in work and in capital . . . is possible and on the way to being achieved'.[63] What he makes these signs say is that we live not in an age of counterfactual optimism but in one of an all too apparent disappointment. The temptation of course is to turn the refutation of the metanarrative of progress into a metanarrative of decline and decadence, of which Lyotard is aware and which he avoids.

> The issue here is the contingency of the linkage to the situation that I have described as the failing of modernity . . . Politics always rests on the way one phrase, the present phrase, is linked to another phrase . . . From the different phrases that are actually possible, one will be actualized, and the actual question is, which one? The description of this failing does not give us any clue to the answer.[64]

What – to ask the classic question – is to be done?

To be done, Lyotard tells us, is to respect these signs of twentieth-century history and not heal the wounds they open up. The true Kantian

nn. 'Nun behaupte ich dem Menschengeschlechte nach den Aspecten und Vorzeichen unserer Tage . . . [das] Fortschreiten desselben zum Besseren . . . Denn ein solches Phänomen in der Menschengeschichte *vergißt sich nicht mehr*, weil es eine Anlage und ein Vermögen in der menschlichen Natur zum Besseren aufgedeckt hat . . . welches allein Natur und Freiheit, nach inneren Rechtsprincipien im Menschengeschlechte vereinigt . . . verheißen konnte'. *KW* xi, 361

critical philosopher would therefore not be the one who tries to complete the project of modernity, but the one who recognises the '*fission* affecting the unity of the great discourses of modernity'.[65] Lyotard transforms the Kantian judge who magisterially presides over the court of reason into the critical philosopher who practises a kind of Kantian reflective judgement. And what the philosopher now reflects on cannot be the 'event' (*Begebenheit*) of 1789, but the subsequent 'events' that demolish the legitimacy of the modern narrative. This is what Lyotard calls postmodernity, not the movement past or beyond modernity, but the splintering and multiplication of the tales we tell ourselves. In effect, Lyotard tells us to focus our gaze not on the Idea of a putatively manifest destiny of humanity, but on the fate of individual humans; not on the '"realization" of a single purpose', but on the '*infinity of heterogeneous finalities*'.[66] At the very least, as we wait for nature to push us down a path that does not exist to a goal that is not there, we – the same 'we' that Kant spoke for, the academic intellectuals squeezed not so much between ruler and ruled as between fellow citizen and fellow citizen – should refrain from asking the question whether 'the human race as a whole' is 'to be loved' and quit turning our backs on the im-perfectible creature standing next to us.

Notes

1. Tony Judt, with Timothy Snyder, *Thinking the Twentieth Century* (New York: Penguin, 2012), 306–7.
2. Max Weber, *The Vocation Lectures*, ed. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett, 2004), 40.
3. Robert Michels, *Political Parties: a sociological study of the oligarchical tendencies of modern democracy*, trans. Eden Paul and Cedar Paul (New York: Free Press, 1962), esp. 333–71.
4. Niklas Luhmann, *Observations on Modernity*, trans. William Whobrey (Stanford: Stanford University Press, 1998), 75–112.
5. Jürgen Habermas, *The Structural Transformation of the Public Sphere: an inquiry into a category of bourgeois society*, trans. Thomas Burger and Frederick Lawrence (1965; Cambridge, MA: MIT Press and Cambridge: Polity Press, 1989), 102–17. See also the essays collected in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA: MIT Press, 1992); and David Midgley and Christian Emden (eds.), *Beyond Habermas: democracy, knowledge, and the public sphere* (New York: Berghahn, 2012).
6. Immanuel Kant, 'On the common saying: that may be correct in theory, but it is of no use in practice', in *Practical Philosophy*, ed. and trans. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 279–309, at 304–5.
7. *Ibid.*, 305.
8. *Ibid.*

9. *Ibid.*
10. *Ibid.* (translation corrected). The Mendelssohn passage can be found in Moses Mendelssohn, *Schriften über Religion und Aufklärung*, ed. Martina Thom (Darmstadt: Wissenschaftliche Buchgesellschaft, 1989), 415.
11. Kant, 'On the common saying', 305, 306.
12. *Ibid.*, 307.
13. Immanuel Kant, 'Idea for a universal history with a cosmopolitan aim', trans. Allen Wood, in *Anthropology, History, and Education*, ed. Günther Zöller and Robert B. Louden (Cambridge: Cambridge University Press, 2007), 108–20, 108.
14. *Ibid.*, 109.
15. *Ibid.*, 111.
16. Kant, 'On the common saying', 307–8.
17. Kant, 'Idea for a universal history', 116.
18. *Ibid.*, 112 (translation altered).
19. *Ibid.*, 109.
20. *Ibid.*, 110.
21. *Ibid.*, 118.
22. *Ibid.*
23. *Ibid.*
24. See Allen Wood, 'Kant's historical materialism', in Jane Kneller and Sidney Axinn (eds.), *Autonomy and Continuity: readings in contemporary Kantian philosophy* (Albany: SUNY Press, 1998), 15–37.
25. I. Kant, 'Conjectural beginning of human history', trans. Allen Wood, in *Anthropology, History, and Education*, ed. Günther Zöller and Robert B. Louden, 163–75, at 173.
26. I. Kant, 'What is enlightenment?', in *Practical Philosophy*, ed. and trans. Mary J. Gregor, 17–22, at 17.
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. Michel Foucault, *The Government of Self and Others: lectures at the Collège de France 1982–1983*, ed. Frédéric Gros, trans. Graham Burchell (New York: Palgrave Macmillan, 2011), 29.
31. *Ibid.*, 28.
32. *Ibid.*
33. Kant, 'What is enlightenment?', 18.
34. I. Kant, *The Conflict of the Faculties: Der Streit der Fakultäten*, trans. Mary J. Gregor (Lincoln: Nebraska University Press, 1992), 25. 'Incompetent' is Gregor's rendering of *Idioten*, which nicely takes some of the sting out of the phrase while still acknowledging what makes an idiot an idiot – mental incompetence.
35. *Ibid.*
36. *Ibid.*, 43, 45.
37. *Ibid.*, 47.
38. *Ibid.*, 57 n.
39. *Ibid.*, 55.
40. *Ibid.*, 61.

41. *Ibid.*, 65.
42. Nicholas Boyle, 'Inventing the intellectual: Schiller and Fichte at the University of Jena', *Publications of the English Goethe Society* 81, no. 1 (2012), 39–50, at 50.
43. J. G. Fichte, *Early Philosophical Writings*, ed. and trans. Daniel Breazeale (Ithaca, NY: Cornell University Press, 1988), 159.
44. *Ibid.*, 156.
45. *Ibid.*, 160.
46. *Ibid.*, 167–8.
47. *Ibid.*, 172.
48. Boyle, 'Inventing the Intellectual', 49.
49. *Ibid.*, 50.
50. The following overview rests on Odo Marquard, *Schwierigkeiten mit der Geschichtsphilosophie* (Frankfurt am Main: Suhrkamp, 1982); *Transzendentaler Idealismus, Romantische Naturphilosophie, Psychoanalyse* (Cologne: Verlag für Philosophie Jürgen Dinter, 1987), 77–83. In English, 'Unburdenings: theodicy motives in modern philosophy', in *In Defense of the Accidental: philosophical studies*, trans. Robert M. Wallace (Oxford: Oxford University Press, 1991), 8–28; 'Indicted and unburdened man in eighteenth-century philosophy', in *Farewell to Matters of Principle: philosophical studies*, trans. Robert M. Wallace (Oxford: Oxford University Press, 1989), 38–63.
51. See, for example, Odo Marquard, 'Das Über-Wir: Bemerkungen zur Diskursethik', in *Individuum und Gewaltenteilung: philosophische Studien* (Stuttgart: Reclam, 2004), 39–67.
52. Jürgen Habermas, *Der gespaltene Westen* (Frankfurt am Main: Suhrkamp, 2004), 110.
53. *Ibid.*, 108. See especially the pre-Bush 'Kant's idea of perpetual peace, with the benefit of two hundred years' hindsight', in James Bohman and Matthias Lutz-Bachmann (eds.), *Perpetual Peace: essays on Kant's cosmopolitan ideal* (Cambridge, MA: MIT Press, 1997), 113–53.
54. Jürgen Habermas, 'On the public use of history', in *The New Conservatism: cultural criticism and the historians' debate*, ed. and trans. Shierry Weber Nicholsen (Cambridge, MA: MIT Press, 1989), 229–40, at 238.
55. *Ibid.*, 240.
56. Jean-François Lyotard, *The Postmodern Explained: correspondence 1982–1985*, ed. and trans. Julian Pefanis and Morgan Thomas (Minneapolis: Minnesota University Press, 1993), 24.
57. *Ibid.*, 50.
58. *Ibid.*, 54–5.
59. Kant, *Conflict of the Faculties*, 151.
60. *Ibid.*
61. *Ibid.*, 153.
62. *Ibid.*, 159.
63. Jean-François Lyotard, 'The Sign of history', in *The Lyotard Reader*, ed. Andrew Benjamin (Oxford: Blackwell, 1989), 393–411, at 393. 'Berlin 1989' added by author.
64. Lyotard, *Postmodern Explained*, 30.
65. Lyotard, 'Sign of history', 394.
66. *Ibid.*, 409.

3

Idealism and the idea of a constitution

CHRIS THORNHILL

The Enlightenment and sociological formation of power

The Enlightenment, observed both as a historical and as a conceptual event, had its centre in the conviction that the European state needed to be constructed as a state under law. As a result, the legitimating function of the constitution was a matter of intense political concern for the Enlightenment. Most essentially, the Enlightenment converged around the view that a state could only be seen as legitimate if it was defined by a legal personality (a constitution), which distinguished acts of public will from acts of factual bearers of political authority and from all transient and particular interests seeking access to state power.[1] Underlying the politics of Enlightenment, thus, was the general normative insistence that the state had to be constructed as a categorically public order, whose primary laws distinguished its power from all privately owned and exercised power, and constructed its authority as a *sui generis* resource, clearly separated from other spheres of social exchange.

This emphasis on constitutional formation was expressed in the political theories of the Enlightenment. Gaining momentum after Hobbes, the attempt to separate the state, under the public-legal order of a constitution, from mere acts of government unified all the diverse stances broadly categorised as reflecting the Enlightenment. Yet this emphasis was also evident in the practice of the Enlightenment. The most important reflection of this was in the tendency towards the codification of the legal system that was prevalent throughout Europe in the eighteenth century. The drive to codification was also motivated by the idea that the state could only be legitimate if it was framed by a single legal corpus, through which it ordered its relations with other societal actors. Indeed, the core Enlightenment concept

All translations C.T.

of natural rights played a vital role in this process of codification, and the construction of natural rights became the basis for the formation of the state as an abstracted legal person.[2]

The rise of the political concepts of the Enlightenment can be interpreted as a historically embedded and even socially reflexive occurrence. These concepts played a crucial role in securing the institutions characteristic of a differentiated society and in configuring modern society in its distinctive political form. Needless to say, state-like institutions existed in one form or another in Europe before the Enlightenment. However, the century of Enlightenment was the primary century of European state building. This century saw a dramatic increase in penetration of state power into the estate-based or corporate patterns of social inclusion and patrimonial jurisdictions, which had determined the political structure of early modern societies.[3] As a result, this century witnessed an unprecedented convergence of society around centralised political institutions. It was in the eighteenth century that in the more advanced European societies the political system began to operate as a relatively specialised apparatus, able to utilise political power across all spheres of society at a reasonable level of internal abstraction and autonomy, and it was at this juncture that political actors and institutions acquired the lineaments of modern statehood. The Enlightenment and its theoretical constructs did not stand outside this process. On the contrary, the core conceptual paradigms of the Enlightenment, especially those addressing legal order and constitutional rule, interlocked with the underlying evolutionary trajectory of European society, they provided templates for the growth of state authority as a distinct phenomenon, and they actively promoted the expansion of the political system as a differentiated aggregate of exchanges. Most particularly, the norm of constitutional order promoted in the Enlightenment, stipulating that the state needs to be categorically designated as a public actor under law, able to include social agents as bearers of rights, played a most substantial role in enabling the European state to consolidate itself functionally and procedurally. This was a vital element in the process through which the state began to mark out its boundaries in relation to other areas of society, and – above all – to produce power from within itself as a resource that could be transmitted easily, positively and extensively across society.

The idea of the constitution in the Enlightenment often proposed itself as a principle of solely prescriptive legitimation, and it was typically imagined as a concept that either restricted the authority of already established monarchical states or constructed new states with specifically limited and enumerated

powers.[4] From a contemporary vantage point, however, the normative conception of constitutional rule contributed primarily, not to a constraining of political power, but instead to a rapid intensification of the volume of power held in society. Political power as a distinctively abstracted and socially generalised phenomenon scarcely existed before the eighteenth century.[5] Prior to this point, political power was barely separated from other – private, corporate or ecclesiastical – interests and organisations, and it did not pertain to a specifically defined realm of social practice. The rise of the constitution, conceived as a normatively desirable model of political order within the different strands of the Enlightenment, formed an aspect of reflexivity, internal to the emergent sphere of political power, which allowed political power to reflect itself as detached from highly privatised milieux and associations, and to create preconditions for its transmission across society itself at a level of general inclusivity. The intellectual-historical examples of early constitutional thinkers help to illustrate this point. In France, for example, theorists such as Voltaire and Holbach deployed constitutional principles based in natural law to attack the weak and semi-privatised state of the late Bourbon monarchy, and their primary theoretical objective was to concentrate state power in more delineated judicial procedures and effectively to intensify the categorically *political* structure of public power.[6] In Germany, analogously, Svarez employed principles of natural law to define the state as a powerful centralised set of institutions, and to designate strict procedures for the even penetration of political power into society.[7] In each case, the constitutional idea clearly diminished the power of local or corporate actors and solidified the authority of central state institutions.

On one hand, therefore, the Enlightenment and its constitutional doctrines can be examined as a mass of external theoretical inquiries, conducted within a realm of normative conceptual abstraction. Yet the Enlightenment can also be analysed as an objective event occurring within the political system of European societies, enunciating a conceptual form in which the political system was able to articulate its emergent form and to extract its basic characteristics at a sustainable level of autonomy. In its political attitudes, the Enlightenment provided a theoretical account of how political order *ought* to appear. In so doing, however, it contributed to the distillation of the political system as a distinct social arena, it provided a conceptual design to underpin the differentiated use of political power, and it helped to abstract political power as a distinctively articulated phenomenon in modern European society. In the idea of the constitution, the process of functional differentiation already underscoring the form of European social

structure reflected itself in a clearly defined and adequately constructed fashion.

Sociology after the Enlightenment

In the wake of the great political upheavals induced by the ideals of Enlightenment (that is the French and American revolutions), the complex interdependence between the constitutional theories of the Enlightenment and the formative processes underlying modern society was often ignored. Indeed, invectives against the revolutionary constitutional activities in France in 1789–91 were widely shaped by the allegation that the constitutional designs of the Enlightenment expressed an attitude of *social forgetfulness*. It was commonly argued that the legal doctrines of the Enlightenment arrived at their normative model of the constitutional state by imputing the source of all legitimate legal order to single acts of a *pouvoir constituant*.[8] In this respect, it was observed, the Enlightenment merely transposed originally metaphysical constructions of legal authorship into a secular, positive-legal context,[9] reductively projecting evacuated and ahistorical norms on to the complex form of society. This view gave rise to much of the more obviously reactionary theory of the counter-Enlightenment. Examples of this can be found first, in France, in the works of de Maistre, Bonald and later, in Germany, in the writings of Adam Müller. This view was expressed most clearly in historicist political reflection, which opposed the metaphysical abstraction of revolutionary constitutionalism in favour of historically mediated ideas of law, right and legal order.[10] Analogously, and more enduringly, different lines of more progressive sociological theory were also stimulated by a similar, also essentially historicist, critique of the constitutional doctrines of the Enlightenment.[11] Arguably, in fact, sociology as a distinct body of theoretical inquiry was first defined by its dismissal of the Enlightenment as a corpus of thought marked by ahistorical political reductivism and culminating in a simplistically generalised or residually metaphysical projection of a normative constitutional order as the sole model for the legitimate exercise of power. Early or proto-sociological theories habitually defined themselves in critical reference to a definition of the Enlightenment as a group of naively 'ius-naturalist' political outlooks, centred on a strict and essential facts/norms dichotomy, and consequently lacking comprehension of the local, historical and inner-societal forces impacting upon political order and its legitimacy.[12] Like their counterparts in the Enlightenment, thinkers with an early sociological disposition were committed to defining institutional conditions for

the legitimate use of power, and they often showed a measure of sympathy for the ideal of the constitutional state.[13] Yet they dismissed the supposed political abstraction and monadicism implied in revolutionary accounts of constitutional legitimacy, and they typically denounced the universal normative presumptions expressed in revolutionary constitutional texts.[14] In the wake of the Enlightenment, in fact, the concept of constitutional legitimacy became the term around which different scientific methodologies positioned themselves, and the approach to the question of legitimacy became a dividing line between sociological and philosophical reflection. Theorists promoting philosophical methods for assessing legitimacy preserved the basic impulse of the Enlightenment, and they opted for accounts of legitimacy based in deductive analysis of norms, rights and obligations. Theorists promoting sociological methods for describing legitimacy reacted against this, opting for accounts of legitimacy based in descriptive analysis of social facts, concrete structural motivations, and practical expressions of collective volition. As a result, the question of the constitutional form of legitimacy became the dividing line between normative/deductive philosophical analysis and descriptive/attitudinal sociological analysis; and this intellectual partition, over a longer period of time, led to the formation of sociology as a distinct theoretical discipline.[15]

Viewed closely, the sociological account of the Enlightenment as a normatively distilled or historically evacuated set of political outlooks is rather difficult to authenticate. In fact, it seems to be a myth. Different Enlightenments examined the question of legitimate political order and its constitutional form in different ways, and in many respects the Enlightenment itself was the precursor of the more distinctively sociological analyses of the political system that became widespread in the later nineteenth century.[16] The sociological dimension to the analysis of constitutional legitimacy was already clear enough in Montesquieu.[17] It is self-evident in the evolutionary constitutionalism proposed by Adam Smith and David Hume in the context of the Scottish Enlightenment.[18] Even Locke's contractarian account of the three powers of state as correlated with needs for standing laws and impartial judges expressed in the state of nature was not strictly distinct from sociological principles.[19] To be sure, it is possible to find examples of theories proposing abstractly universal principles of legitimacy in the Enlightenment. One example might be the formulaic theory of natural law that characterises the work of Holbach.[20] Yet, despite the founding self-definition of sociology as positioned against the political ethics of the Enlightenment, the line between Enlightenment

and sociology was never clear, and the sociological description of the Enlightenment, against which sociology first defined itself, involves a deep simplification.

This ambiguity is clearest perhaps in the works of Rousseau. Of all accounts of constitutional order in the eighteenth century, Rousseau elaborated what was surely the most clearly (proto-)sociological theory of the state. This is the account of the rise of the modern state proposed in the *Discourse on the Origin of Inequality*. Here, Rousseau examined the state as produced by relations of private antagonism and material inequality prevailing through society, he argued that the natural human capacity for equal freedom was obliterated by the modern state, and he formulated a strong opposition to the classic Enlightenment idea of the state as a socially detached actor under public law.[21] No lesser authority than Durkheim, consequently, was keen to recruit Rousseau as a primary forerunner of the sociological method.[22] Subsequently, then, Rousseau, responding to the questions about potentials for legitimacy that he himself posed in the *Discourse*, arrived at the seminal proto-sociological theory expressed in the *Social Contract*, that the state obtains constitutional legitimacy if it is sustained by the will of all society: if the will of all members of society assumes a norm-giving position entirely internal to the state.[23] In describing this will and the conditions of its internalisation in the state, however, Rousseau, again in the *Social Contract*, also proposed what was perhaps the *least* sociological concept of the constitution of this era. In particular, in the *Social Contract* Rousseau began to imagine the legitimate state as a state constitutionally founded in the self-legislative acts of a *pure will*: the state, he claimed, only secures natural human freedoms if it reflects and facilitates the pursuit of those freedoms elected, not by people in society as they factually or historically exist, but by people as the virtuous or even rational/metaphysical abstractions of their everyday selves.[24] This resulted in an account of the legitimate state as defined by an externally abstracted hypothetical criterion, close in some respects to a formal 'ius-natural' theory of the will or to an account of legitimate statehood as *second nature*. In the *Social Contract*, the Rousseauian principle, in essence, is that the state is legitimate if its laws enshrine freedoms exercisable equally by all members of society. A state fulfilling these criteria assumes legitimacy as an embodiment of the general (natural) will of society in its entirety. On Rousseau's own account, however, this will is – in the final analysis – a hypothetical will, which need not factually be willed at all, so that, on this principle, a state can enact the will of all society without any reference to society in its materially given form.[25] The principal contents and injunctions contained in this will

can be simply extracted from an ideal notion of equal freedom, which can then be held against the state as a measure of its legitimacy.

This analysis raises the paradox that the moment in the Enlightenment in which philosophy detached itself most radically from objective description and observation was in the later work of Rousseau, which formulated a highly abstractive and generalised formula of constitutional legitimacy. At the same time, this construct emerged as the response to deeply sociological questions regarding the formation of a total societal will, the preconditions of equality and freedom, and the overcoming of the private corruption of state power, which Rousseau himself originally posed in the *Discourse on the Origin of Inequality*.

On these grounds, the early sociological rejection of the Enlightenment missed two distinct conceptual and historical dimensions of the Enlightenment. On one hand, very obviously, it missed the point that, in its methodological dimension, the Enlightenment was already implicitly a brand of sociology: this was especially pronounced in its theory of the constitution, for which early sociological thinking reserved particular scepticism. Rather more implicitly, however, it missed the point that the political theories of the Enlightenment produced descriptions of the constitutional state, which, despite their claims to deductive abstraction, were integrally interlaced with a process of evolutionary articulation and transformation within the political form of European society in the eighteenth century. Indeed, in arguing that the political outlooks of the Enlightenment simply projected a theoretical realm of norms that remained external to society's political system, early sociological theories took their own construction of Enlightenment theory somewhat too literally. Falling into the same trap into which they saw the theories of Enlightenment falling, they accepted a highly literal and profoundly *unsociological* view of theory as a practice capable of extracting itself from the sociological realm of positive facts, and they chose to ignore the deep, reflexive embeddedness of the Enlightenment in the formative processes of European society.[26]

In consequence, there exists a founding miscomprehension at the origins of European sociology. The reaction against the strict facts/norms dichotomy in the Enlightenment, which stood at the methodological source of sociology, resulted from the fact that sociology itself accepted too straightforwardly the normative definition of theory that it imputed to the Enlightenment. Despite this, the construction of the Enlightenment as a conceptual movement centred on a facts/norms dichotomy represents a defining point of polarisation between sociology and philosophy. A gradual division of labour

between sociological and normative thinking evolved thereafter, and this division remains prominent today. This polarisation, however, remains very questionably founded.

Idealism and the late Enlightenment

At an immediate level, the political strands of German Idealism formed the most obvious object for sociological critique, and, as sociology developed as a discipline, much sociological inquiry organised itself, quite specifically, as a critique of Idealism. Indeed, it was from Rousseau's later notion of the legitimate constitution as the embodiment of the pure or general will that early German Idealism first took its political point of departure. Political Idealism initially assumed clear contours through the translation of the more abstracted elements of Rousseau's thought into a body of reconstructed metaphysical norms. It endeavoured, originally, to articulate a comprehensively rationalistic construction of constitutional legitimacy based in the idea of a state reflecting the acts of self-legislation of a pure political will. This was clear above all in Kant's analysis of the constitution of the legitimate state.

It is barely necessary to trace the ways in which Kant's idea of the legitimate constitutional state deviates from the more sociotheoretical aspects of the earlier Enlightenment. In particular, Kant founded his account of the legitimate state on a doctrine of singular and spontaneous human rational autonomy – that is, on an analysis of the potential for formal-moral freedom, self-causality or *legal self-authorship* inhering in individual faculties of human reason.[27] From this position, Kant claimed that the single rational person creating abstractly generalised ideas of freedom and legal obligation (of laws equally applicable to all) could be taken both as a formal measure for determining the legitimacy of public laws and as a formal analogy to the state in possession of a legitimate constitution. To be sure, there is great controversy in Kant scholarship concerning the extent to which Kant saw the objective legal conditions of the just constitutional order as resulting directly from the moral maxims of subjective reason.[28] The distinction in Kant's thought in this respect is quite clear. He argued that *morality* refers to the inner life of human beings. Morality is a state of inner virtue presupposing only acts of human 'self-compulsion'[a] for its realisation. In contrast to this, he examined *law* as referring to the outer life and the conditions of outer freedom of

a. 'Selbstzwange'. Kant, *Metaphysik der Sitten*, in *Werkausgabe*, ed. W. Weischedel, 6 vols. (Wiesbaden: Insel, 1956–62) (hereafter *KW*), iv, 512

human beings, and so as requiring 'external compulsion',[b] i.e. the application of objective or even heteronomous laws, in order to have validity. Ethical duties, in consequence, are enforced by an inner subjective law, and they have a higher status than objective legal duties, which must be guaranteed by an outer law.[29] Despite the endlessly controversial distinction between 'juridical' and 'ethical' legislation in Kant's view of the condition of human autonomy, however, it seems clear that Kant identified (at the very least) a close and necessary correlation between the inner maxims of human virtue and externally necessary or legitimate laws.[30] If ethical maxims with the power of obligation express duties by which all people adequately exercising their faculties of reason are bound, external laws possessing the power of legitimate obligation – and so forming the constitution of a legitimate state – also express duties possessing the attribute of universality, to which all people adequately exercising their rational faculties must of necessity accede.[31] As a result, for Kant, the precondition of a legitimate constitution is that the 'highest legislator' is obliged to pass objective laws in conformity with the 'true duties' resulting from ethical maxims.[32] A legitimate constitution is one that applies laws across society, which reflect the rational and ethical will and the rational and ethical freedoms both of each single person and of the entire people at the same time. Publicly enforced laws to which categorical validity can be imputed are laws that facilitate the rationally necessary 'restriction of the freedom of each person',[c] so that one person's freedom does not exclude or violate the freedom of others, and all freedom is exercised without variation induced by place, time or social status. Where such laws apply, the people, as the autonomous or noumenal distillation of its factually and socially existing self, will recognise laws as the objective form of its rational freedom.

In the Kantian state legitimised by a rational republican constitution, consequently, the power of the state is only exercised in a legitimate fashion if it arises from the 'pure source of the concept of law',[d] which each mind can produce for itself as the ground of its rational life choices and autonomous freedoms. In the Kantian state, legitimate laws are natural-rational laws, determined by absolute principles of reason, and they cannot contravene the noumenal conditions of freedom deduced by the operations of practical reason. In fact, for Kant, the 'republican constitution' of the legitimate state appears as the objective or external form of singular experiences of human

b. 'Der äußere Zwang'. *Ibid.*, 325 c. 'Einschränkung der Freiheit eines jeden'. KW vi, 144
d. 'Dem reihen Quell des Rechtsbegriffs'. KW vi, 205

autonomy, in which reason gives a general and objective substance to the idea of its necessary freedom: constitutional rule under a legitimate state is a condition of 'highest agreement' between the objective laws regulating collective life and the singular categorical imperatives of practical reason. Where a state realises this condition of constitutional rule, the state itself acquires 'autonomy', and it internally organises all its actions in accordance with a generally purified will.[33]

The Kantian idea of the legitimate state thus projects the state as the self-causing condition of *moral personality*, or personality formed under autonomous law. In the same way that, for Kant, the moral personality of the singular person is categorically different from the factual personality of the singular person, the moral personality of the state is categorically distinct from the factual personalities of the many persons that it comprises. Indeed, as for Rousseau, the Kantian state may be wholly indifferent to the specific dispositions of these factual persons, and it may have an obligation to legislate without any material regard for these dispositions. As a moral personality, Kant concluded, the legitimate state is always a legal state or *Rechtsstaat*: moral personality and *Rechtsstaat* are direct correlatives. A state assumes the quality of a *Rechtsstaat* where it defines itself as a moral personality under public law, where it recognises itself and other moral persons (factual and juridical) as bound by practical and universal norms, and where it formalises this recognition in a clear constitutional order. A *Rechtsstaat*, definitively, will treat its subjects as citizens, that is, as bearers of inviolable rights and entitlements. The citizens of a *Rechtsstaat* are recognised as having rights of legal redress against other citizens where their innate freedoms are violated, as having subjective rights on which the state itself cannot encroach, and – most importantly – as having, in their quality as human beings, the right to be treated as ends in themselves under law. As such, they command respect and dignity, and they have the inalienable right not to be utilised by the state or by other persons to fulfil purposes to which they do not, in rational spontaneity, accede.[34]

Underlying the ideally constituted Kantian *Rechtsstaat*, in sum, is a highly purified reconstruction of Rousseau's notion that the general will is the inner source of the state's constitutional legitimacy. On this view, the general will, divested of all social facticity, forms a pure or *natural-legal* norm to define the legitimacy (or otherwise) of the state. At the origins of political Idealism, the 'ius-natural' abstraction of the concept of the legitimate state, already pre-charted in the long decade between Rousseau's two major political works, was extended and reinforced. This gained particular force in Kant's

intuition, echoing Rousseau, that the state could embody the will of society by representing the people in their *second nature*, that is, without representing or even recognising members of society as they factually exist.[35] As discussed, Kant clearly constructed the general will as an analogue to the singular will of the rational person, and he posited a homology between the pure will of the rational subject and the general will expressed through a legitimate state. The specifically *social* dimension to the state's personality was thus evacuated. In Kant's political writings, the reaction of political theory against descriptive or sociological method, the construction of theory as noumenal norm against societal fact, and the foundation for a later distinction of method and object between philosophy and sociology, assumed the clearest expression. Kant's extended purification of Rousseauian principles became the basis for the separation of sociology and philosophy through the nineteenth century and beyond.[36]

Idealism and the origins of sociology

Despite this historical opposition of idealism and sociology, however, the birth of Idealism as the most advanced position in the metaphysical, anti-sociological Enlightenment contains a striking paradox. No sooner had Kant established the formally ideated principle of constitutional legitimacy than Idealism began both to qualify this account of legitimacy, and gradually to reconvert Kantian insights into the groundwork for a more clearly sociological analysis of political power and the legal order of the legitimate state. Central to this was a more intrinsically sociological reconfiguration of the Kantian (and, at one remove, Rousseauian) notion that the legitimate state must give constitutional expression to shared ideas of freedom.

Fichte

The works of Fichte, for example, reflect an immediate attempt to separate the model of the constitutional state as an ethical person or person under general laws from its original Kantian purism. Fichte clearly endeavoured to capture and elucidate the formative *social* dimension of human agency in constituting law and the law-based state, and he sought to conceive the legal structure determining the legitimacy of public authority as resulting from concrete and socially enmeshed processes of human interaction. Fichte's analysis of the sources of the legitimate constitution revised the Kantian approach in a number of ways. In general, he followed Kant and Rousseau in

claiming that a state acquires legitimacy by giving constitutional expression to the idea of general freedom. However, he claimed that the idea of freedom objectivised in public laws needed to be envisioned, not as pure principle of natural law, but as resulting from concrete or substantial anthropological foundations. In this respect, he indicated that legitimate laws, i.e. laws of constitutional freedom, are socially produced laws, whose sources were embedded in acts of will that are both practical and collective.

To explain this, first, Fichte proceeded by extending Kant's own very cautious privileging of practical reason over pure reason.[37] On this basis, he argued that all primary acts of reason have a concrete legislative component, and all such acts possess an integrally normative structure and generate objective laws of freedom for social interaction. The concept of law, Fichte concluded, is an 'original concept of pure reason':[e] each single act of self-positing conducted by human reason entails a self-positing of the human being as a free agent under objective law, and each such single act necessarily articulates a legal form, and objectivises legal relations, for shared conditions of human freedom.[38] Through this fusion of pure and practical rational functions, Fichte began to outline an account of the general formation of law, not – in the Kantian sense – as formal deduction, but rather as a practical-rational *process* in which the rational will of legitimate public order is gradually formed through a multiplicity of concrete cognitive/legislative acts.

In addition to this, second, Fichte modified the Kantian perspective by arguing that the human subject can posit itself and autonomously produce laws only insofar as it reflects itself as an active and volitionally engaged member of a concrete and plurally formed community.[39] Laws, he argued, are deducible from the fact that the person is irreducibly a person with others, that it encounters other persons in each act of its self-positing, and that its own freedom is only fully rational where it positively incorporates, and reflects itself through, 'the freedom of the other'.[f] Rational laws, consequently, are generated not, as for Kant, through formal self-legislation of the pure will, but through the active recognition that rational subjective freedom is regulated by, or in fact always concretely co-implies, the objective existence of other wills seeking freedom. The laws of legitimate public order, in consequence, are laws based in acts of reflexively other-including law production in which the mind thinks and enacts its freedom as rationally

e. 'Ein ursprünglicher Begriff der reinen Vernunft'. *Fichte, Sämmtliche Werke*, ed. I. H. Fichte, 8 vols. (Berlin: de Gruyter, 1971) (hereafter *FSW*), iii, 8
f. 'Freiheit des Anderen'. *Ibid.*, 120

reliant on the freedom of others. In this respect, Fichte began to propose a concept of public-legal formation as an intrinsically social phenomenon. A state acquiring legitimacy, from this view, is a state whose constitution is formed through the processually constructed will of a rationally formed community, expressing shared, and in fact collectively engendered, ideas of freedom through rational institutions.

On Fichte's account, in consequence, the creation of the legal order of a rational state is not, as for Kant, a subjective process residing in the deductive accounts of freedom proportioned to a formal will. On the contrary, the legal order of the rational state is an objectively and socially elaborated condition, in which a number of existing wills rationally recognise each other as free. Indeed, although Fichte accepted Kant's assertion that autonomy is the source of rational law, he defined autonomy, neither as a static attribute nor as a formal moment of self-causality, but as a *sphere of action* constructed through multiple rational acts of self-positing in which a plurality of rational agents participate, and which they progressively form through a dynamic/normative process of recognition. Central to Fichte's approach was the view that the externalised normativism or the fact/norms distinction underlying Kant's constitutional purism could not offer a meaningful account of the legitimate constitutional state. The state needed to be comprehended as legitimised by a fully internal constitutional will, through which the state incorporates and gives constitutional form to all rational-legal acts of society.

This socio-anthropological shift in the works of Fichte gave rise to certain important differences of emphasis in the institutional character of the state endorsed by Kant and Fichte. In many respects, Kant's conception of the legal person as a centre of formal self-causality led to a minimal account of the state as a legal-moral personality, whose legitimacy is defined by the existence of invariable universal laws, and which enacts a unity of law and freedom as its own function, in relative closure against the subjects whose will it incorporates and represents. In contrast to this, Fichte's construct of the legal person as an active and interactive agent was shaped by a much more expansive account of the legal sources of legitimacy in politics, of the political content of the law, and of the constitutional expression of the freedoms which law communicates. He claimed that each citizen of the state is communally and inevitably engaged in the free production of laws necessary for the legitimacy of the state. In fact, for Fichte, the practical self-fulfilment of each person relies on his or her engagement as a member of a political collective, within which the laws are actively constituted. Fichte rejected the account of law, legitimacy and freedom as deducible from the formal autonomy of

subjects protected by overarching and pre-agreed laws, formally applied by the state. Instead, he thought of law, legitimacy and freedom as constituted by actively autonomous subjects, who play an active role in shaping the laws and founding the state, and for whom the withdrawal into formal or purely subjective autonomy is not possible. Consequently, he refused to affirm the Kantian doctrine of a limited constitutional state, guaranteeing for its citizens a thin stratum of rights, and a maximum of autonomy, thus separating citizens out from the strictly political formation of the state, and depoliticising legislative and executive processes. As alternative, he proposed a rather distinct Rousseauian account of the state, focusing on the elements of collective right and rational participation also (ambiguously) projected by Rousseau. Notably, Fichte tentatively intimated that people under legitimate laws obtain rights, not, as in Kant's account, as formal subjective attributes, but as objective or socially elaborated institutions – that is, that rights become real through the recognition of these rights by other wills seeking freedom, and through the common acceptance of rights as elements in an objectively structured social arena.[40] This doctrine viewed the state as evolving ceaselessly and objectively from the concrete interactions and the claims to rights between many rational wills, and it imagined the general will of the state as present and concentrated in a close and obligatory relation between legislature and executive. Fichte's political doctrine defined the legitimate state, not as protecting the formal-private interests of autonomous subjects, but as subordinating all private interactions to publicly acceded laws and as limiting the sphere of private or individual autonomy outside the political operations of the state.[41] Under the rule of the general will, Fichte argued, all legal judgement must be made subordinate to the 'judgement of the state',[g] formed by mediated agreements between rational citizens. The constitution of the state, he affirmed, resides in the 'absolute unanimity'[h] of the people and it allows no divergence from its prescriptions.

Underlying the political thought of Fichte, in short, was an endeavour methodologically, if not comprehensively to contradict, then at least to revise the Kantian casting of the Rousseauian principle of constitutional legitimacy as free, rational self-legislation. In doing this, Fichte sought to place the legitimate constitution on concrete social foundations, to interpret the formation of legitimate (natural) law as a distinctively *sociological* occurrence, embedded in multiple interactive acts of reason and not defined by

g. 'Urtheile des Staates'. Fichte, *Grundlage des Naturrechts*, FSW iii, 151
h. 'Absolute Einstimmigkeit'. *Ibid.*, 16

any primary split between facts and norms. In particular, this involved the suggestion that a state could only be legitimate if it incorporated, and was incessantly formed by, the will not – in the Kantian sense – of a pure general subject, but of a concretely existing society. In this regard, Fichte's political thought marked the beginning of a *sociological turn* in Idealism.

Schelling

To invoke Schelling as a progenitor of early sociology must surely appear egregiously paradoxical. Most immediately, Schelling was a thinker who, in part at least, stands accused of reversing the Kantian achievement in moving accounts of human freedom and legal obligation beyond traditional metaphysics towards an enlightened doctrine of determinate human autonomy.[42] In his political inquiries, Schelling's account of natural law was intended to reconstitute a metaphysics of nature and of natural process, which integrated human subjectivity and rationality into a broader conception of metaphysical self-realisation and so dissolved the distinctive moment of autonomy. Further, Schelling argued that a condition of political freedom could only result from a state of self-identity between the inner nature of humanity and the outer nature of the material world, marked by the positive *presence* of God in human life. Such identity between humanity and nature, he claimed, would institute God's personal law, a *new law*, as the law of human society, and under this new law the objectivity of *fate* (heteronomy) would be supplanted by the identity of freedom as a common human experience of self-obedience and self-recognition.[43]

Despite these quasi-theocratic impulses, however, Schelling's work also contains an objectivistic correction of Kantian constitutional politics. Like Fichte, he opposed Kant's philosophy because of its metaphysical formalism, and he implied that Kantian philosophy resorted to vacuous metaphysical ideas in its attempt to account for the political conditions of human freedom. Owing to its analysis of human freedom as a moment of transcendental self-causality, Schelling argued, Kantian legal and political thought detached freedom from its objective foundations, and it detached freedom from the objective conditions of human consciousness, which make it possible. Like Kant, the early Schelling espoused the ideal of a 'legal constitution', and he even affirmed the institution of a 'constitution of universal citizenship'.[i]

i. 'Rechtliche Verfassung . . . allgemeine Rechtsverfassung'. Schelling, *System des transcendentalen Idealismus*, in *Werke*, ed. Manfred Schröter, 12 vols. (Munich: Beck and Oldenbourg, 1927–54), ii, 586f

Moreover, he suggested that rationally produced law might steer humanity towards a state of harmony and perfectibility.[44] However, he repudiated the Kantian position by arguing that institutions ensuring freedom and harmony cannot be generated on noumenal foundations, and they cannot be immediately imposed as material forms in human society. Instead, he suggested that legitimate legal forms must be founded in an adequately elaborated condition of human consciousness and naturalised freedom: this consciousness must objectively sustain these legal forms, it must allow them to flourish, and it must create preconditions for their recognition. This consciousness, he argued, could only result from the natural 'progressivity' of historical life, and could not be construed as an invariably given or formally existing fact of all consciousness.[j] Schelling thus understood his own work as a philosophy which gave substance to the formal-subjective metaphysics of freedom in Kantian Idealism, and which refused to construe rationally valid law as transcendentally disembedded from natural/historical consciousness, or imposed across human life as a mere 'supplement to visible nature'.[k] Although not expressly concerned with the social dimension of political legitimacy, Schelling clearly claimed that constitutional order could not be formally manufactured, and it presupposed objective conditions of adequate reflexivity, which could only arise from a natural-material process of societal formation.

Hegel

This critical attitude towards the formalism of Kantian constitutionalism culminated in the political works of Hegel. It barely needs restating that, in his mature political philosophy, Hegel attempted to provide an account of the constitutional state, which accepts Kant's 'ius-natural' account of the legitimate state as a legal order of equal freedom, but which attempts to show how rational (natural) ideas of freedom are constructed in objective legal form through different spheres of social practice. These objective legal ideas are then internalised as constitutional elements within the state, so that the state is formed as an organisational centre in society which draws legitimacy from, acts to preserve, yet also rationally mediates, the sets of legal norms that are generated in different areas of society and different spheres of functional exchange. In Hegel's vision of the legitimate state,

j. 'Wo nur der Progressus als Ganzes, gleichsam für eine intellektuelle Anschauung, dem Ideale Genüge tut.' *Ibid.*, 588

k. 'Das Supplement der sichtbaren Natur'. Schelling, *System*, 583

the idea of equal freedom constantly shapes a condition of *objective self-legislation*, in which social agents are able to exercise rational freedoms in the concrete structure of society and the state both enables these freedoms and reflects them as actualised normative dimensions of its own constitution.[45] Distinctive in Hegel's correction of Kant, however, is the fact that he viewed this condition of constitutional self-legislation as realisable solely on the basis of a pluralistic description of modern society. He specifically argued that the modern state exists in a reality where human agents have lost the ability simply and immediately to exercise rational freedoms overarching all arenas of social exchange.[46] Hegel thus set himself the challenge of imagining a state authorised by a single objective rational will, in which this will segments its rationality in proportion to the functional logic of the different life spheres of modern society, and produces general normative principles by integrating otherwise highly specialised imperatives and liberties in different domains of social interaction. In this, he also set himself the challenge of reconstructing the natural-legal foundations of the legitimate state to reflect the complex and pluralistic structure of societal modernity. Indeed, the attempt to understand how the modern state could be legitimised by a general objective will clearly led Hegel to *discover* society, and to appreciate modern society as comprising a plurality of functional centres and a number of necessarily conflicting ideas of freedom. Hegel's attempt to translate Rousseau's idea of the general will on to the experience of a functionally differentiated society stands close to the beginning of contemporary understandings of society as a mass of deeply differentiated realms of exchange.[47]

In the constitutional formation of freedom as law, accordingly, Hegel argued against under-complex accounts of constitutional freedom as the result of simple revolutionary acts of constitution making.[48] Instead, he defined constitutional freedom as necessarily organised on three distinct levels, some of which are determined by more reflected and enduring principles of rational freedom than others. In this model, different types of law, some more valid (more rational, and more general) than others, emerge from the different expressions of the will and the different resultant expressions of freedom.[49] The state acquires its constitution by assimilating, preserving and reconciling the different ideas of freedom contained within *society's laws*.

For Hegel, the crudest level at which freedom is realised under law is the level of immediacy or of abstract particularity, where human beings act and obtain legal status as *legal persons* – that is, where they construe themselves as atomised bearers of rights and freedoms, and where they assert their wills through the singular and exclusive claim to dominion over things. This level

of freedom is characterised by the law of property, or by *abstract right*, and the legal personality that determines this level of law enshrines the rights of human wills in their claims to free ownership. As such, abstract right expresses volitional freedoms specific to the early capitalist economy, which Hegel viewed as a sphere of social practice whose emergence reflected the wider functional differentiation of modern society as a whole. The freedoms of capitalism stand in a particular relation to the legal ideas of Roman law and, by consequence, to the early positivism growing out of the Enlightenment. Hegel argued that the legal personality of abstract right has the epoch-making and deeply liberating significance that it allows people to operate not only as proprietary individuals, but as individuals who *own themselves* (who are not serfs or slaves), who dispose freely over their own interests and purposes, and who claim single legal entitlements of possessive autonomy and material self-reliance. Nonetheless, the legal personality under abstract right, Hegel stated, is always subject to internal limitation: it cannot generate substantial or universally rational forms of law, and it cannot exceed cognitively unformed demands for freedom. In his earlier work he was quite clear that concepts of public order residing in the models of legal personality derived from Roman law and early positivism promulgate alienated laws based in formal atomism, in 'autonomy without spirit'[l] and 'empty generality',[m] and that, as legal persons, agents under law encounter themselves and each other only as bearers of an 'alien content'[n] imposed upon them by an irrationally generalised will.[50] Abstract right is the foundation of law in its most 'formal' and non-universal, structure: it incorporates only a highly inchoate idea of freedom, and it inevitably raises substantive dilemmas that can only be reconciled at a higher or more reflected level of constitutional universality and rational freedom.[51]

Central to this aspect of Hegel's philosophy was an implicit act of position-taking in relation to the normative stances consolidated in the course of the Enlightenment. This aspect of his thought involves a rejection of the more positivist lineages of early liberalism, which assumed that the distillation of the legal person from the property law of Roman law might provide a basis for substantial legal freedoms and for substantial experiences of constitutional legitimacy.[52] Yet it also contains the implication that the positive principles of early liberalism, including positive rights to property, need to be assimilated within the state, albeit not as the final source of its

l. 'Geistlose Selbständigkeit'. Hegel, *Werke in zwanzig Bänden*, ed. E. Moldenhauer and K. M. Michel (Frankfurt am Main: Suhrkamp, 1969–71) (hereafter *HW*), iii, 356–8

m. 'Leere Allgemeinheit'. *Ibid.* n. 'Fremde Inhalt'. *Ibid.*

constitutional legitimacy. Hegel certainly did not deny the right of free private property secured under early positivism. However, he argued that it is only where the will of the person recognises the limits of its own freedom as a possessive agent, where it begins to abstract from its own proprietary particularity, and where it acknowledges that ownership of property needs to be incorporated within a higher moral-political order, that it reflects and produces substantial freedoms in law. The freedoms of the legal person of Roman law, in consequence, must be subsumed, as one subordinate element, into higher and more mediated spheres of legal freedom, such that ownership acquires its justification where it is enshrined as a necessary but subsidiary component in the objective form of a more generally mediated and more substantially rational common will.

The second level of legal freedom is a condition where human beings act as *subjects*: that is where they possess inner ideas of freedom and claim legal recognition for such freedom. The legal expression of this level of freedom is *morality*: the 'law of the subjective will'.[o] The moral subject is the specifically modern condition of the human being, in which individual people exercise reason to determine their freedoms and duties and to produce independent and internal ideas of what is right.[53] This condition originates in the Christian ethics of interiority, and it finds its distinctive expressions both in subjective claims over rights and in Kantian doctrines of practical autonomy.[54] This level of freedom, therefore, is surely able to generate general principles of freedom; such freedom, however, remains internal, formalistic and without social/objective foundation.[55] Under morality, people might perpetrate free actions as subjective purposes, marked by an *abstract idea* of the good. Or, alternatively, they might perpetrate free actions as *ought* actions, as actions whose value is externally prescribed and ultimately heteronomous to their own freedom and reason, such that their legal life is consequently regulated by oppressively prescriptive and socially evacuated moral norms.[56] In each case, however, the freedom of morality and moral laws remains formalistic and insubstantial, and it cannot form the foundation for a substantially legitimated public order.

As in the doctrine of abstract right, at this point in the evolution of the law, Hegel again took up a position in relation to other theoretical standpoints of earlier liberalism resulting from the Enlightenment. He turned most obviously against the subjectivistic particularism of Christian ethics. But he also turned against both Lockean theories of rights and the normative

o. 'Recht des subjektiven Willens'. *HW* vii, 205

prescriptive apparatus of Kant's moral liberalism, both of which he saw as vainly intent on deducing the terms of ethical life, both particular and political, from highly particularistic conceptions of human liberty. Like abstract right, therefore, Hegel saw morality as a sphere of normativity that engenders legal antinomies which it cannot resolve or reconcile internally, and as necessitating an idea of freedom in which the will sees its freedom neither in particularised purposes nor in generalised duties, but in a third condition, objectively reconciling particularity and generality. The implication in this argument is that a legitimate state will incorporate both subjective moral freedoms and the normative conceptual structure of morality, but these freedoms and these norms will not be formative of legitimacy.

The highest level of constitutional legitimacy, consequently, is formed by a condition of human volition and liberty in which the will spontaneously pursues universal purposes, and where it recognises its own freedom as one mediated element of the objective conditions that surround it.[57] The realisation of this freedom occurs as the outcome of the progressive mediation of the wills of many people: it is a condition of *ethical life* (*Sittlichkeit*), in which over long periods of time many wills have shaped themselves through complex processes of conflict, recognition and objective institution building into an overarching rational will containing objective sanction for universal ideas of freedom. This condition is reflected in the presence of a rational state, marked by a constitution balancing singular freedoms and collective duties, and strong enough to ensure that singular persons or unilateral or subjective freedoms specific to economic interaction do not monopolise or dictate conditions for public order in its entirety. In particular, the constitution of this state is determined, not by singular acts of volition and norm construction, but by the formation of a strong, elite-led administrative order, able to legislate general norms across and above the differentiated spheres of social practice[58] and to preserve equilibrium between the liberties proportioned to these spheres.

In proposing ethical life as a constitutional condition, Hegel implied that other salient analyses of human freedom and the sources of constitutional legitimacy – especially the proprietary will of Roman law, the possessive rights doctrines of early liberalism, the inner ethics of Christianity, and the pure will of transcendental idealism – fail to fully reflect the freedom of the will in its objective situatedness. Such doctrines mistakenly deduce ideas of freedom under law from an incomplete or abstractly prescriptive account of reason and the will. Above all, such conceptions stabilise the will giving form to freedom at a position prior to its concrete determinacy: before it has

engaged with other wills, and before it has incorporated the ideas of freedom asserted by other wills. Other accounts of the will and of freedom are valuable only as subordinate aspects of a substantial interpretation of human freedom as self-reflection in shared law under rational institutions. It is only in a constitutional state able to preserve the particular liberties of society, to uphold the pluralistic design of society in its totality, yet also to make sure that no set of singular liberties and no one sphere of functional practice assumes primacy or dominance in society as a whole, that the objective freedom of the will can gain substance.

Like Fichte, therefore, Hegel's writings on the constitutional state also proceed, albeit remotely, from a Rousseauian construct of the self-legislative general will, which places emphasis on socially and objectively formed laws as the source of legitimate state power. Hegel's constitutionalism endeavours to examine the formation of this will, not as the application of an immediate, extracted normative or 'ius-natural' formula, but as the outcome of socially transformative, factual process, in which fact and norm are integrally unified through the objective formation of the idea of freedom. In particular, Hegel deviates from other Idealists in that he aims to account for a constitutional state able to enact a general (natural) will despite the pluralistic decomposition of society into functionally specific ideas of freedom and differentiated volitional centres. As mentioned, Hegel's theory of the will first engendered the discovery of society's inner logic of differentiation, which later became the core theme of sociological inquiry. Central to this impulse is once more the principle that the legitimate state constitution cannot be formed by any external rationality, but needs instead to incorporate freedoms in society at each stage in their determinate and pluralistic elaboration. For Hegel, in fact, the defining political challenge of modern society is an integrally sociological challenge: it is to construct a political order giving objective expression to the general rational (natural) will of a society, although the factual will of this same society is dismembered a priori into particularised life practices shaped by an accelerated logic of differentiation and functionally determined liberty.

Marx

It is not very fashionable to interpret Marx as an Idealist. However, Marx's theory of the state can also be treated as part of the sociological turn in Idealism, and it rearticulated the post-Rousseauian discovery of society apparent in Hegel's thought. In the first instance, Marx's theory of

human self-realisation and alienation set out in *On the Jewish Question* and the *1844 Manuscripts* reiterated earlier Idealist attempts to translate the metaphysical principle of general human (natural) freedom, expressed in Rousseau's idea of the constitution, into a doctrine of objectively formed and *intrinsically social* public order.

In *On the Jewish Question*, in particular, Marx reconstructed the idea of freedom implied in Rousseau's theory of the general will to reject the formal rights-based constitutional liberalism of the later Enlightenment. He depicted liberal constitutionalism – imagining equal freedom under law without equal freedom in civil society – as reliant on distorted or metaphysically idealised projections of human freedom, serving only to cement an ideological distinction between state and society, to stabilise selective monetary prerogatives in society, and to *estrange* members of society in their factual life settings from the genuine conditions of their natural freedom.[59] As discussed, Hegel's theory of the general will specifically accommodated the differentiated pluralism of modern society, and aimed to trace out conditions of general freedom within the differentiated reality of early capitalism. In contrast, Marx repudiated Hegel's compromise with capitalist social pluralism,[60] and he dreamed instead of a return to social order suffused by one general (total/natural) will, and – notably – he defined societal *differentiation* as coterminous with *alienation*.[61] As an alternative to the liberal constitutional state, therefore, he proposed a doctrine of legitimate public order, which was intended to give sociomaterial substance to the original Idealist system of rights,[62] to re-fuse the state with society in its non-alienated form, and to found public order in the encompassing (total/natural) material will of society. In Marx's implied model of a legitimate political order, the constitutional ideal of public freedom under law was translated into a vision of a thick unity of freedom and equality, which could only be accomplished under a state which enforced laws of equal freedom through all dimensions of society, thus necessitating a material transformation of society, and its reorganisation in accordance with prerogatives generalised across all social actors and all social exchanges. Although at different times in his trajectory Marx clearly denied that any public order of law might be able to contribute to the formation of human freedom, in his earlier work he clearly proposed an account of *species being* which possessed formative legal implications, and he argued that the practical realisation of the freedoms inscribed in human nature could be achieved through the transposition of *species rights* (rights of equal social, material and historical participation) into a materialised constitution of state.[63]

On these grounds, Marx's early work described the point where the Enlightenment finally reconnected with sociological conceptions of political order, from which it was originally, rather artificially, separated. In Marx, the Idealist (and originally Rousseauian) conviction that the legitimacy of political order depends upon the objective/legal realisation of a natural idea of freedom, applied to and exercised by all persons in equal manner and in all aspects of human social life, became the basis at once for a materialist account of social process and for a phenomenology of freedom's alienation under the conditions of the early capitalist economy: Marx was led by Rousseau's theory of general natural freedom to discover society as a reality of estrangement, and he identified legitimacy with the moment in which the overcoming of estrangement is complete. Above all, this idea formed the basis for a theory of political legitimacy in which the political system assumes legitimacy by incorporating and representing freedoms, not of abstracted persons or select social groups, but of all society *in its totality*, and in its anthropologically most extended sense.

Conclusion

Idealism initially formed a lineage in political theory in which the idea of the constitution was, formatively, presented (*ideated*) in abstraction from its historical reality. In the first instance, Idealism elaborated an idea of constitutional legitimacy, which was relatively indifferent to social agents in their specific determinacy, and which assessed the exercise of political power by statically subjectivistic, even hypothetical principles of right. Subsequently, however, this idea of the constitution was quickly reconfigured and translated back into a pattern of legal-sociological description. In this re-translation, the pure idea of the constitution and constitutional legitimacy grasped its insufficiency as a simple idea and attempted to account for itself through a reconstruction of the normative residues inherent in socio-factual process. Above all, the political-sociological shift in Idealism hinged on the claim that the state could only be seen as legitimate if its internal will was constructed, not as the external idea of society's purified will, but as the existing will of all society. For later Idealism, the implied split between norms and facts in Kantian legal philosophy created a theoretical outlook that was unable to provide a compelling and internal account of the grounds on which state power could legitimately claim to demand obligation. This failing was experienced as a sociological failing; for later Idealism, sociological analysis of the interaction between social experience and political expressions

of freedom was indispensable for explaining the state's obligatory power. The strict methodological division between philosophy and sociology was both initially cemented and then conclusively rejected by the legal/political methodology promoted by Idealism. Indeed, in the writings of Hegel, analysis of constitutional freedom first gave rise to sociology as an inquiry into the discrete logics of fragmentation and functional differentiation underlying modern society.

In pursuing a sociological idea of the constitution as the analysis of the inner-societal will of the state, it is notable that later Idealism also began to pursue a sociological analysis, not only of the constitution as *fact*, but of the idea of the constitution itself: of the constitution as theoretical *norm*. Later Idealism began to trace the formation of the constitutional idea (that is, the normative conceptual apparatus of constitutional theory) as an internal dimension of formative socio-political processes, and it began to elucidate ways in which this idea had become ingrained in the normative structure of society itself. In this last respect, in fact, the sociological impetus of later Idealism exceeded the simple observation of the necessary unity of fact and norm in the establishment of the legitimate constitution of state. Later Idealism also developed the sociological feature that it recognised the internality of the normative concept of constitutional legitimacy to the abstraction of the state and the factual production of political power as defining dimensions of modern society, and it accounted for the normative arguments of constitutional theory, not as an aspect of intelligence positioned *outside*, but as a concentrated and adaptive reflexivity located *within*, the processes in which society constructed and articulated its reserves of political power. Later Idealism, thus, cleared the terrain for a highly distinctive fusion of philosophy and sociology, at once (as philosophy) constructing theoretical templates for the assessment of power and its legitimacy yet also (as sociology) evaluating these theoretical templates (and thus also itself) as socially produced and socially productive. Most importantly, the insight into the internality of normative constitutional analysis to power's own structure is evident in the works of Hegel. Hegel's philosophy at once interpreted the formation of the constitutional state as a factual sociological process, and it examined the normative conceptual apparatus for thinking about constitutional legitimacy as a structure internal to the state itself, as an element of the state's own self-reflexivity and adaptive formation.

At one level, Hegel argued that the conceptual or normative elements of the constitution – abstract right, morality and ethical life – are exactly,

and no more than, that. They are normative principles that, once combined within the state, generate liberty and legitimacy for those social agents subject to state power. However, at a secondary level, Hegel claimed that these norms are both facts and norms: they are generated through the factual formation of modern societies, yet they can be extracted from and presupposed by political actors within these societies as normatively necessary preconditions for their legitimacy. Third, Hegel indicated that in their specific quality as norms these concepts are inner dimensions of – so to speak – the necessary architecture of state power, and they generate a conceptual apparatus guaranteeing, not only that state power can assume legitimacy, but that a state can be constructed and power can be exercised as political power *tout court*. Underlying Hegel's reflections on the constitution is the view that a state *requires* a constitution in order to be a state, and the three-layered normative structure sustaining the constitution makes possible the determinate abstraction of political power in modern society. This can be seen in the context of Hegel's rejection of feudal political order, exemplified by his hostility to patrimonial theories of coercive entitlement as proposed by Carl Ludwig von Haller.[64] This can also be seen in his critical observations on the political forms produced in classical Greece and early Christian communities.[65] In these cases, he argued that pre-modern societies had not been able to generate a legal structure capable of sustaining state formation, and they were unable to articulate principles to support the abstraction of the political system. The state, Hegel concluded, presupposes the existence of a constitution, embodying the three layers of freedom discussed above. States that do not have an inner normative/constitutional order based in the three-tier legal order of positivism (ownership), morality (singular rights) and substantial shared life (rational order) are only weakly constructed as states, they are only weakly differentiated against other modes of social practice and exchange, and they fail to establish the generalised reserves of power for society upon which social freedom depends. The constitution, and its inner normative fabric, is thus at once a normative institution and the factual precondition of statehood.

In this respect, later Idealism proposed a more refined and more distinctively sociological analysis of political power than the later, more expressly sociological movements that turned more radically against political philosophy and simply repudiated the constitutional theory of the Enlightenment as symptomatic of neo-scholastic abstraction or normative hypostasis. Running through later Idealism is an attempt both to observe the legitimisation of power as a societal process and to discern and trace the internality of

theoretical formation and norm construction to the delineation and differentiation of political power as a factual phenomenon in society. Indeed, in its focus on the constitution, later Idealism gave the lie to the postulation of a facts/norms dichotomy underlying the distinction between sociology and political theory in two ways. First, simply, it does this because it retraces the relation between normative and sociological constitutionalism, and, without renouncing the normative dimension of theory, it reconverts normative analysis into a sociological description of the formation of legitimate political norms and a legitimate public will. Second, it does this because, in resolutely sociological method, it refuses to accept that there might be such a thing as a facts/norms split between society and theory or between description and prescription, it identifies certain theoretical norms as *objectively necessary* descriptions of society's emergent form, and it includes theory and its norms within the factual sociological process in which modern political institutions are abstracted and obtain acceptance. Underlying later Idealist thought on the constitution was thus an attitude which might be called *double reflexivity*: an attitude that observes theory both as theory and as practice and that evaluates the norms of theory both, in simple reflexivity, as norms, and, in second reflexivity, as adaptive elements of the objects constructed by norms in (ostensibly) normative fashion.

This takes us back to the point outlined at the beginning of this article, that is, that the doctrines of constitutionalism in the Enlightenment at once contained a normative theory of power and formed sociological preconditions for power's abstraction. Hegel clearly comprehended this. He looked beyond both the normative and the sociological construction of theory, and he clearly indicated that articulated elements of theory are an internal and formative part of the societal phenomena (in this case, the political system), which they describe. It is only very recently, in the sociology of concepts, that the Hegelian insistence that theory is the intelligence of its own object has been reappropriated.[66] We are left to wonder what political theory might have become had the potentials of the late-Idealist fusion of normative and sociological inquiry been thoroughly perceived and placed at the centre of European political debate. Indeed, we might lament the fact that those promoting the disciplinary segregation between philosophy and sociology that underpins the current academic division of labour did not adequately appreciate how later Idealism traversed the boundary between facts and norms and construed the idea of the legitimate constitution both as an external measure of the political system and as the political system's internally articulated precondition.

Notes

1. This idea was of course already spelled out in the work of Hobbes, which stands at the beginning of Enlightenment political reflection. See Thomas Hobbes, *Leviathan* (1651) (London: Dent, 1914), 66. This culminated in Kant's rejection of the patrimonial state. See Immanuel Kant, *Zum Ewigen Frieden*, in *Werkausgabe*, ed. Wilhelm Weischedel, 6 vols. (Wiesbaden: Insel, 1956–62) [hereafter *KW*], vi, xi, 195–251, at 197.
2. The classical example is the process of legal codification in Prussia, culminating first in 1748 and then in 1794. In the *Allgemeines Landrecht* of 1794, the doctrine of natural rights proposed by Svarez was vital for explaining the socially abstracted quality of the state. See Carl Gottlieb Svarez, *Gesammelte Schriften*, ed. Peter Krause, 6 vols. (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2000), iv/1, 69.
3. Reinhart Koselleck, *Preußen zwischen Reform und Revolution: allgemeines Landrecht, Verwaltung und soziale Bewegung von 1791 bis 1848* (2nd edn, Stuttgart: Klett-Cotta, 1977), 37.
4. Classically the first argument appears in Montesquieu and the second in Madison's contributions to *The Federalist Papers*.
5. One historian says, tellingly, of eighteenth-century France: 'politics in the modern sense of the word did not exist'; Michael Sonenscher, *Work and Wages: natural law, politics and the eighteenth-century French trades* (Cambridge: Cambridge University Press, 1989), 46.
6. See, for example, the account of necessary principles of judicial organisation in Paul Henri Thiry Baron d'Holbach, *La Politique naturelle ou discours sur les vrais principes du gouvernement*, 2 vols. (London: n.p., 1773), i, 220–1.
7. See above, note 2.
8. See the classical revolutionary theory of the *pouvoir constituant* in Emmanuel-Joseph Sieyès, *Qu'est-ce que le Tiers-Etat?* (2nd edn, Paris, 1789), 79. To illustrate the metaphysical abstraction underlying principles of legislation in revolutionary France, see, as a paradigmatic definition, the comments made by Cambacérès when providing drafts for the Jacobin Civil Code in the National Assembly in 1794: 'Combien grande est donc la mission du législateur! Investi par le peuple souverain de l'exercice du pouvoir suprême, tenant dans sa main tous les élémens sociaux, il les dispose, les arrange, les combine, les ordonne, et tel que l'esprit créateur, après avoir donné l'être et la vie au corps politique, il lui imprime la sagesse, qui en est comme la santé morale'; 'Rapport fait à la Convention nationale sur le deuxième projet du Code Civil par Cambacérès', in Pierre-Antoine Fenet (ed.), *Recueil complet des travaux préparatoires du Code civil*, 15 vols. (Paris: Au Dépôt,1827), i, 99–109, at 99.
9. See Olivier Beaud, *La puissance de l'état* (Paris: Presses Universitaires de France, 1994), 216–17.
10. Ranke, for example, argued that the maintenance of 'security, of right and law' is only feasible where the historical shape and traditions of society are acknowledged and preserved: Leopold von Ranke, 'Einleitung', in *Historisch-Politische Zeitschrift* 1 (1832), 1–9, at 5.
11. On the generally conservative disposition of early sociology, see Leon Bramson, *The Political Context of Sociology* (Princeton, NJ: Princeton University Press, 1961), 13–16; Hermann Strasser, *The Normative Structure of Sociology: conservative and emancipatory themes in social thought* (London: Routledge, 1976), 27.

12. In this category of theorists, we can include (for all the great differences between them) Bentham, Comte, early historicists such as Savigny and Hugo, and then also Hegel and Marx. See for comment Adolf Menzel, 'Naturrecht und Soziologie', in *Festschrift zum einunddreißigsten Deutschen Juristentag* (Vienna: Kaiserliche und königliche Hof-Buchdruckerei, 1912), 1–60, at 24, 36. For a distinctive view on this, see the argument throughout in Daniel Chernilo, *The Natural Law Foundations of Modern Social Theory: a quest for universalism* (Cambridge: Cambridge University Press, 2013).
13. This tendency culminated in Durkheim's eventual reconstruction of the state under law and the rights-based state as the result of social evolution and the rise of organic solidarity; Émile Durkheim, *Leçons de sociologie: physique des moeurs et du droit* (1900) (Paris: Presses Universitaires de France, 1950), 92–3.
14. As an early example, see Bentham's views on the French Declaration of Rights in Jeremy Bentham, 'Nonsense upon stilts', in Bentham, *Rights, Representation and Reform: 'Nonsense upon stilts' and other writings on the French Revolution*, ed. P. Schofield, C. Pease-Watkin and C. Blamires (Oxford: Clarendon, 2002), 317–97.
15. Durkheim's science of moral facts is the endpoint in this trajectory. For analysis of antiformalism in sociology, see N. S. Timasheff, *An Introduction to the Sociology of Law* (Westport, CT: Greenwood Press, 1974), 45.
16. See Pierre Manent, *La Cité de l'homme* (Paris: Flammarion, 1997), 73.
17. See Émile Durkheim, *Montesquieu et Rousseau: précurseurs de la sociologie*, introduction by Georges Davy (Paris: M. Rivière, 1953).
18. Most importantly, Hume denied that laws of justice can be condensed into promises or contracts which are 'antecedent to human conventions'; David Hume, *A Treatise of Human Nature* (Oxford: Oxford University Press, 1978), 542. He also rejected the belief that nature has 'plac'd in the mind any peculiar original principles' which might give necessary stable form to human action or to the institutions in which human action is organised (Hume, *Treatise*, 526). For an early anti-deductive version of constitutional theory see also Adam Smith, *Lectures on Jurisprudence* (1762–6), ed. R. L. Meek, D. D. Raphael and P. G. Stein (Oxford: Clarendon Press, 1978), 347.
19. John Locke, *Two Treatises of Government* (1689) (Cambridge: Cambridge University Press, 1960), 350.
20. Paul-Henri Thiry, Baron d'Holbach, *Éthocratie ou le Gouvernement fondé sur la Morale* (Amsterdam: Marc-Michel Rey, 1776), 20–5.
21. Jean-Jacques Rousseau, *'Du contrat social' et autres oeuvres politiques* (Paris: Garnier, 1975), 87.
22. See the important account in Durkheim, *Montesquieu et Rousseau*.
23. Rousseau, *'Du contrat social' et autres oeuvres politiques*, 243.
24. Rousseau states: 'Il y a souvent bien de la différence entre la volonté de tous et la volonté générale; celle-ci ne regarde qu'à l'intérêt commun; l'autre regarde à l'intérêt privé, et n'est qu'une somme de volontés particulières'; Rousseau, *'Du contrat social' et autres oeuvres politiques*, 252.
25. Rousseau states again: 'En effet, chaque individu peut, comme homme, avoir une volonté particulière contraire ou dissemblable à la volonté qu'il a comme citoyen'; Rousseau, *'Du contrat social' et autres oeuvres politiques*, 246. The general will, in other words, does not exist, or it only exists *hypothetically*.

26. See my account of this in Chris Thornhill, 'Sociological enlightenments and the sociology of political philosophy', in *Revue Internationale de Philosophie* 259 (2012): 55–83.
27. For discussion, see Robert Pippin, *Hegel's Practical Philosophy: rational agency as ethical life* (Cambridge: Cambridge University Press, 2008), 117.
28. Note in particular the debates around the Marburg school on this question. My reading is strongly indebted to the view in Hermann Cohen, *System der Philosophie* II: *Ethik des reinen Willens* (Berlin: Bruno Cassirer, 1904), 269.
29. *KW* iv, 525.
30. *Ibid.*, 326.
31. Immanuel Kant, 'Über den Gemeinspruch: das mag in der Theorie richtig sein, taugt aber nicht für die Praxis', *KW* vi, 127–72, at 163.
32. Immanuel Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft*, *KW* IV, 645–879, at 758.
33. Kant, *Metaphysik der Sitten*, 437.
34. *Ibid.*, 569.
35. For discussion of first and second nature see Kant, *Die Religion*, 758.
36. Most early sociologists specifically understood their theories as critical responses to Kant. This is clear in Durkheim's idea of sociology as a science of moral facts. But it is also visible in Weber's theory of ideal-types, designed to distil analytical paradigms from comparative empirical inquiry.
37. See Immanuel Kant, *Kritik der praktischen Vernunft*, *KW* IV, 215. See also Hermann Cohen, *Kants Begründung der Ethik* (2nd edn, Berlin: Bruno Cassirer, 1910), 306.
38. Johann Gottlieb Fichte, *Grundlage des Naturrechts*, in *Werke*, ed. I. H. Fichte, 8 vols. (Berlin: De Gruyter, 1971) [hereafter *FSW*], III, 1–385, at 8.
39. *Ibid.*, 39.
40. Here Fichte clearly anticipated Marx's distinction between rights of man and rights of citizen. Notably, he proposed a theory of property rights based, not in an account of such rights as invariable entitlements, but in a theory of rationally sanctioned actions. See Johann Gottlieb Fichte, *Der geschlossene Handelsstaat*, in *Werke*, ed. I. H. Fichte, III, 387–513, at 401. For classic commentary on Marx and Fichte see Arnold Gehlen, 'Über die Geburt der Freiheit aus der Entfremdung', in *Archiv für Rechts- und Sozialphilosophie* 11 (1952/3), 338–53, at 350.
41. Fichte, *Grundlage des Naturrechts*, 151.
42. See Damon Linker, 'From Kant to Schelling: counter-Enlightenment in the name of reason,' *Review of Metaphysics* 54, no. 2 (2000), 337–77, at 338.
43. Friedrich Wilhelm Joseph von Schelling, *System des transcendentalen Idealismus*, in *Werke*, ed. Manfred Schröter, 12 vols. (Munich: Beck and Oldenbourg, 1927–54), II, 327–634, at 604.
44. *Ibid.*, 586. Very good on Schelling's early political thought is: Alexander Hollerbach, *Der Rechtsgedanke bei Schelling: Quellenstudien zu seiner Rechts- und Staatsphilosophie* (Frankfurt am Main: Klostermann, 1957). On this point, see especially 84.
45. This substantial reconfiguration of equality and freedom as foundations for constitutional order is expressed in G. W. F. Hegel, *Enzyklopädie der philosophischen Wissenschaften*, pt 3, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71) (hereafter *HW*), x, 332–3.

46. The objective will underpinning the state is thus divided into three spheres of social interaction: family, economy (civil society) and state. See G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, in *HW* VII, 306.
47. For other accounts of Hegel as an early sociologist, see Friedrich Jonas, *Geschichte der Soziologie* I: *Aufklärung, Idealismus, Sozialismus: Übergang zur industriellen Gesellschaft* (2nd edn, Opladen: Westdeutscher, 1980). Jonas speaks unreservedly of 'Hegelian sociology', which he sees as primarily focused on the sociology of institutions (154–5). Like my account, Jonas views Hegel's sociology as resulting from his perception that contemporary society, which can no longer be shaped by 'substantial unity or organic totality', is irrevocably defined by *differentiation* (161). On Hegel's sociology of law, see Robert Fine and Rolando Vázquez, 'Freedom and subjectivity in modern society: re-reading Hegel's *Philosophy of Right*', in Michael Freeman (ed.), *Law and Sociology* (Oxford: Oxford University Press, 2006), 241–53. One recent commentator has described Hegel simply as 'the sociologist amongst legal philosophers' for whom, *contra* Kant, legal-theoretical questions could not be addressed without a construction of 'social, historical and economic circumstances'; Rainer Schmidt, *Verfassungskultur und Verfassungssoziologie: politischer und rechtlicher Konstitutionalismus im 19. Jahrhundert* (Wiesbaden: Springer, 2012), 206. On the concept of differentiation as a founding paradigm for the theory of modern society, see Niklas Luhmann, *Soziale Systeme: Grundriß einer allgemeinen Theorie* (Frankfurt am Main: Suhrkamp, 1984), 261.
48. See Hans Boldt, 'Hegel und die konstitutionelle Monarchie – Bemerkungen zu Hegels Konzeption des Staates aus verfassungsgeschichtlicher Sicht', in Elisabeth Weisser-Lohmann and Dietmar Köhler (eds.), *Verfassung und Revolution: Hegels Verfassungskonzeption und die Revolutionen der Neuzeit* (Hamburg: Felix Meiner, 2000), 167–209, at 180.
49. Hegel, *Grundlinien der Philosophie des Rechts*, 83.
50. G. W. F. Hegel, *Phänomenologie des Geistes*, in *HW* III, 356–8.
51. Hegel, *Grundlinien der Philosophie des Rechts*, *HW* VII, 95.
52. Centrally, Hegel's position here was opposed to Savigny's idea of the Roman-legal personality as an emblem for human personality in a more general sense. See the argument in Friedrich Carl von Savigny, *Das Recht des Besitzes: eine civilistische Abhandlung* (1803; 6th edn, Giessen: Georg Friedrich Meyer, 1837).
53. *HW* VII, 233.
54. On the latter see Hegel, *Enzyklopädie der philosophischen Wissenschaften*, pt 3, 316.
55. Hegel, *Grundlinien der Philosophie des Rechts*, *HW* VII, 252.
56. *Ibid.*, 245.
57. *Ibid.*, 76.
58. This outlook was a particular feature of early post-1806 Prussian constitutionalism. For a similar theory, see Johann Friedrich Benzenberg, *Ueber Verfassung* (Dortmund: Wilhelm Mallinckrodtsche Verlagsbuchhandlung, 1816), 247–8. The focus on the administration of state as a legislative organ was close to the constitutional proposals drafted, although never implemented, by Hardenberg at this time. See Ernst Rudolf Huber, *Deutsche Verfassungsgeschichte seit 1789*, 6 vols. (2nd edn, Stuttgart: Kohlhammer, 1957), I, 296.
59. Karl Marx, *Ökonomisch-philosophische Manuskripte*, in *Frühe Schriften*, ed. J.-J. Lieber and P. Furth (Stuttgart: Cotta, 1962), 506–665, at 562.

60. He described Hegel's philosophy of state, for example, as a 'mystical abstraction', incapable of accounting for the factual material origins of political power. Karl Marx, *Kritik des Hegelschen Staatsrechts*, in *Werke*, ed. Karl Marx and Friedrich Engels, 43 vols. (Berlin: Dietz, 1956), 203–333, at 263.
61. See my discussion in Chris Thornhill, 'Luhmann and Marx: social theory and social freedom', in Andreas Philippopoulos-Mihalopoulos and Anders La Cour (eds.), *Observing Luhmann: radical theoretical encounters* (Basingstoke: Palgrave, 2013), 263–83.
62. Karl Marx, *Zur Judenfrage*, in *Werke*, ed. Karl Marx and Friedrich Engels, I, 347–77, at 370.
63. See the analysis in Karl Marx, 'Verhandlungen des 6. rheinischen Landtags: Debatten über das Holzdiebstahlgesetz', in *Werke*, ed. Karl Marx and Friedrich Engels, I, 109–47, at 116, 199. Under conditions of capitalism, Marx argued that law can only *appear* to enable the exercise of a free will and the pursuit of free interests where it is 'torn away from its real base' in relations of property and exploitation, and where it is counterfactually proposed to its addressees as a universal medium of equality and justice (Friedrich Engels and Karl Marx, *Die heilige Familie*, in *Werke*, ed. Karl Marx and Friedrich Engels, II, 7–223, at 118). This assertion of course imagines, correlatively, that a legitimate public order will be one whose base is not rooted in exploitation.
64. See especially Carl Ludwig von Haller, *Restauration der Staatswissenschaft*, 6 vols. (2nd edn,Winterthur: Steiner, 1821–5), III, 166.
65. G. W. F. Hegel, *Der Geist des Christentums und sein Schicksal*, in *HW* I, 274–418, at 394, 323.
66. Niklas Luhmann, *Ideenevolution: Beiträge zur Wissenssoziologie*, ed. André Kieserling (Frankfurt am Main: Suhrkamp, 2008), 148.

4

German Idealism and Marx

DOUGLAS MOGGACH

The concept of labour provides a key to understanding Marx's complex relations to his German Idealist precursors. Through it, he appropriates and transforms the Idealist concept of spontaneity, develops his critique of heteronomy and alienation under capitalism, and envisages the attainment of genuine autonomy in socialism. We can thus connect Marx with Hegel, but also more broadly to German thought since Kant, indeed since Leibniz.

The Left Hegelian programme

In the works of Kant, Fichte, Schiller and Hegel, the effects of the European Enlightenment and indigenous theoretical traditions stemming from Leibniz were distilled into a philosophical revolution, elaborating new conceptions of theoretical and practical reason and of reason's legislative authority in morality and politics. The essence of this revolution was an engagement with modern society: an extended reflection on individuality, autonomy and freedom. The fundamental issue of German Idealism is not to impugn the external world, but to ask how we can rationally and freely relate to it, and act in it. A resolute yet critical modernism imbues German Idealism with its particular characteristics: for all its inner divergences,[1] it is a *practical* idealistic approach, a brilliant vindication of freedom. It develops ideas of practical reason as the capacity to be self-legislating and autonomous, and it stresses the self-causing, spontaneous quality of human action. The world as it appears to the senses is not metaphysically unreal or illusory, but derivative; German Idealism directs our attention to the formative activity which underlies the objects of experience, and to processes of subjective self-shaping.

The central claim of Hegel's idealism is the unity of thought and being, effected by the historical realisation of reason in the world. In his *Philosophy of Right* (1820–1), Hegel affirms the identity of the real and the rational;[2] but this claim is a technical, speculative proposition, asserting both identity and non-identity, or a processual synthesis wherein being does not evaporate but is progressively made consonant with reason. Its interpretation, in its positive and negative moments, provides one of the keys to the subsequent history of Hegelianism. The reality or effectiveness of reason (its *Wirklichkeit*, homologous with Aristotle's *energeia*) might refer to an ongoing, dynamic historical process, with the unity of being and thought, the accord of the external world with the evolving demands of rationality, as its still unachieved *telos*; alternatively, if the positive moment is stressed, the principle might imply that the existing order already satisfies the requirements of rational legitimacy. On this issue the Hegelian school fractured.

From the 1820s onward, German conservatives excoriated Hegel for his conception of evolving reason, as undermining the traditional political order and religious orthodoxy.[3] In response, some of his followers expressed their own support for the existing authorities (although most of these accommodationists still advocated reform). Others adopted more radical conclusions, defending the achievements of the European Enlightenment against Restoration retrenchment, and pressing beyond these, and beyond Hegel's own express commitments, to envisage new forms of liberty and political association. Hegelians of all camps were quickly at the centre of political contestation in the period known as the *Vormärz*, the prelude to the German Revolutions of March 1848. As conservative opposition hardened, the process of extracting an openly critical and revolutionary orientation from Hegel became the common task of the Hegelian Left, including the young Karl Marx.

The immediate objective for these Left Hegelians was the defence and extension of Enlightenment rationality, with its critique of traditional political and social forms. The Left stressed the historical openness and critical character of Hegel's thought. The category of spirit (*Geist*) did not invoke a transcendent power, as some on the Hegelian Right maintained, but was an anthropological and historical project, a process of emancipation, propelled by contradiction and struggle, by clearer and fuller ideas of reason and freedom. Regressions and failures cannot be precluded, and the outcome has no metaphysical guarantee. In combating Restoration orthodoxy, the Left Hegelians defined religion as a form of *alienated*

spirit, or the human consciousness unaware of its own self-abnegating activity. The incompatibility of religion and philosophy is a *Leitmotif* of this thinking.

Left Hegelian criticism is not exhausted in the critique of religion, but encompasses social and political forms that fail the test of advancing reason. The attack on privilege and hierarchy, the defence of popular sovereignty, and the achievement of a republican constitution based upon the recognition of universal interests animated the *Vormärz* works of Bruno Bauer (1809–1882) and Arnold Ruge (1802–1880). Envisaging new, emancipated forms of social life, Ludwig Feuerbach (1804–1872) and Max Stirner (1806–1856) diagnosed problems of alienation and isolating egoism, though their solutions – solidarity or detachment – were antithetically opposed.[4]

The fulfilment of the Enlightenment programme of emancipation also meant confronting unprecedented social and economic problems. For the Hegelian Left, the social question – the rise of capitalism and the appearance of new forms of urban poverty – signalled in especially acute form the *incomplete* rationality of modern society. Revising Hegel's account of poverty and of political and social exclusion in the *Philosophy of Right*, Eduard Gans (1797–1839) described the concentration of economic power as a determinate negation, the decisive problem which had to be addressed if there were to be further progress in freedom.[5] Hegel had identified the problem, but not the elements of its resolution. The lineaments of a solution were now, however, becoming visible, according to Gans, in some currents of French social thought, particularly in St-Simon's ideas of association (an early version of trade unionism). For Gans this position involved no illicit utopian projection of the future, but was a reflection on real historical tendencies which were making themselves manifest in the present. According to these principles, poverty, exclusion and oppression occurred in the modern labour market because of a structural imbalance in bargaining power: the isolation of the individual worker on the one hand, and the monopolistic advantages accruing to capital owners on the other. A more just distribution of wealth could be secured if workers associated and bargained collectively; yet, unlike his student Karl Marx (at least as the latter's position had crystallised by late 1843), Gans repudiated collective *property* as inimical to freedom and individuality. Despite fundamental differences, the young Marx shared with other Left Hegelians the view that the social question and urban poverty made it necessary to rethink the relations between the state and civil society, as these had been developed in German Idealism.

The resources of Idealism

To confront these issues, the Hegelian Left, including Marx, availed themselves of the rich resources developed by their Idealist precursors. For Hegel, the great merit of the Enlightenment is its discovery that everything exists for the subject, whether in the form of utility, or as matter for the expression of freedom.[6] Before him, Kant, acknowledging his debt to the Enlightenment, describes this period as an epochal turning point: the shaking off of self-imposed tutelage, marking the historical maturation of the species. Subjects now seek to give a rational account of themselves and of the maxims which are to govern their activities, independent of external authorities.[7] Freedom becomes the primary value, not as antinomian denial of law, but as an inquiry into what the self may rightfully claim and do.

Building on Enlightenment conceptions, the Kantian tradition also undertakes a critique of these ideas. Empiricist and materialist theorists in the Enlightenment (Helvetius[8] and Holbach[9], for example, with Hobbes as an early progenitor) had understood the centrality of the modern subject through categories like utility and its cognates; the world existed as material for the satisfaction of need, and the maximisation of happiness. On the Kantian account, however, these currents had failed to grasp adequately the nature of subjectivity. Enlightenment materialists had overnaturalised the subject, subsuming its activities completely under natural necessity; they had produced a reductionist account of agency, in which subjects were largely determined in their desires by the effects of sensibility or of nature upon them.[10] While the Enlightenment divests nature of its earlier meaning as a normative order, thus opening the possibility of the emancipation and self-definition of subjects, it proceeds immediately to constrict these subjects anew: natural necessity continues to control them through the mechanisms of their needs and desires, conceived deterministically. Such subjects (as Marx, too, later observed)[11] are essentially passive, merely responding to natural imperatives, and fully integrated within the causal nexus of the natural order. For Kant and the Idealists, the error of the materialists is to minimise the capacity of subjects to abstract from motives of sensibility and immediate interest, and to submit these to rational examination and critique. The error is to deny to subjects their intrinsic spontaneity. So too Marx will contend.

In response to this picture of the passive self, German Idealism draws on indigenous traditions stemming from Leibniz to attribute a greater spontaneity and self-determination to subjective action. Leibniz conceives of subjects as inwardly self-determining centres of force and change, or monads.

For Leibniz, spontaneity means constant change in response to an internal imperative. Each monad is unique in its perspective on the world. Each is active and self-directing, revealing in its actions an inner content. The activity of monads can be explained from their own intrinsic properties, not from external natural causality (though Leibniz does not deny mechanist causal laws; they have their legitimate sphere of operation in the derivative, phenomenal world which the monads structure in their purposive, self-directed movements). Action is revelation or exhibition of a spontaneous force. Leibniz distinguishes primary and derivative forces: the grounding level of activity, and the grounded level of phenomenal expression (Marx's distinction between the sphere of production and that of circulation and exchange is a variant of this idea). Perceptible appearances are a *result*, the consequence of the diffusion of forces which stem from the spontaneous activities of subjects.[12]

Consequently, the relation of subject and object achieves a new salience. How is the subject to be conceived as the active source of form in the world? What reflexive, self-conscious relations do subjects take up in respect to their products or manifestations? Do subjects find themselves confirmed in their externalisations, or distorted and truncated in them? The various schools of German Romanticism arise in response to such questions: the particularism of Herder, with his expressivist view of freedom (thought and being correspond from the unique perspective proper to each subject, deploying its own powers to manifest its particular content in the world); or the ironic detachment of Friedrich Schlegel, where the self in its infinite creative potentiality cannot recognise itself in its fragmentary deed, and knows its freedom precisely in this diremption.[13] Most significantly, the central idea of German Idealism, in opposition to Romanticism, emerges in this context: to the extent that subject and object, reason and objectivity, diverge, this disjunction is not taken to be an absolute barrier to the self, but sets a task for rational activity: to secure the correspondence of thought and being, to realise reason in the world of the senses. Marx is an inheritor of this approach, and undertakes the task in his own distinctive way.

Spontaneity is a central and distinctive concept of German philosophy since Leibniz,[14] and while the Leibnizian and Kantian versions differ significantly, the core idea is the ability not to be ruled from without, but to be actively self-determining. This idea underlies the imperative to bring the external and internal world under rational direction, which is the hallmark of German Idealism in its development of the Enlightenment project. Theoretically, Kant characterises spontaneity as the mind's power of producing

representations out of itself.[15] Practically, it refers to the will's capacity to exempt itself in significant respects from external causal determination; to direct its course according to self-imposed rules or maxims which are themselves not causally derived; and to initiate changes in the external world and the self which are not uniquely or exhaustively prescribed by causal mechanisms. This implies that subjects are able to admit causes selectively over a significant range, according to some criterion or norm.[16] Negative freedom in Kant's sense is precisely this independence of the will from desires, and the capacity to adjudicate among them; the will is not directly determined by objects of desire, but by causes which it itself admits, or allows to operate.[17] From spontaneity flow the other concepts which Kant adduces in his account of agency: autonomy or self-legislation; heteronomy (determination from without, but with the self's active compliance); and determinability (the self's capacity to determine a range of its empirical properties, by selecting among options, in accord with an evaluative standard).[18] Kant further distinguishes pure practical reason, or rational autonomy, with its categorically binding maxims, from the domain of instrumental and hypothetical reasonings oriented toward need fulfilment (empirical practical reason) – and thus establishes a key distinction between right and morality, on the one hand, and welfare or happiness, on the other. These notions will prove central to post-Kantian political thinking.

Hegel further enriches these conceptions with his idea of ethical life, where autonomy becomes concrete in institutions and intersubjective relations. Hegel himself provides two distinct images of modern culture, as a culture of diremption, fragmentation and alienation,[19] and as the potential realisation of rational autonomy. These images are not merely externally opposed, but are aspects of the same processes of modernity. Alienation and emancipation are rooted in the same ground.

The latter image is that of the *Philosophy of Right*, where Hegel designates the 'free and infinite personality' as the decisive political accomplishment of modernity.[a,20] He describes two complementary movements which together constitute the modern self: outward expansion of particularity, and inner reflection into unity, or universality.[21] The attainment of rational freedom requires both the vigorous outpouring of particularity – in the growing differentiation of needs and functions, and demands for subjective recognition – and a counterbalancing movement, or a self-aware return to unity in political institutions and ethical relations. The unprecedented expansion of the scope

a. '[D]ie freie unendliche Persönlichkeit'. *HW* VII, 24

of interests and activities, the increasing division of labour, the right to satisfy private purposes, and the autonomous moral conscience characterise the new affirmative self-consciousness of modern subjects. But, according to Hegel, not only particularity, but universality, is recast. Modern solidarities are also constituted by acts of freedom and recognition, synthesising the multiple into a unity, not through imposed homogeneity, but in mutual affirmation. This unity is achieved in political institutions in which subjects recognise each other as amplifying, and not only limiting, one another's freedom. For Hegel, the rational state, the *telos* toward which modernity tends, combines spontaneity or freedom, with autonomy or self-legislation. It engenders a unity consistent with the underlying diversity of particular aims and quests for satisfaction.[22]

Yet Hegel also offers a contrasting image of the modern world and its developmental trajectory. Following Schiller,[23] he describes modernity as a culture of rigid opposition, fragmentation or diremption, an assertion of unbridled particularity. In this image, the expansive and the reflexive motions initiated by modern subjectivity fail to harmonise with each other. The moment of particularisation gains predominance over recursive unity. Thus, particular interests remain locked in stubborn opposition, and the centrifugal forces threaten to overwhelm the integrative capacities of modern institutions. This image is one of mutual antagonism between subject and subject, subject and object.[24] Hegel locates these intractable contradictions in his own Romantic contemporaries,[25] who irresponsibly extol the tensions and conflicts of the modern world: for them, diremption is a state of freedom, once it is consciously embraced. Hegel's contrasting visions of modernity anticipate, in part, Marx's own view of the inner dialectic of capitalism. This culture of diremption *par excellence* expands the productive forces immeasurably, while generating class antagonism, but also creates in the same movement the conditions for its own transcendence in a new rational community, now situated beyond the political state.

The tensions between universality and particularity are incorporated into Hegel's analysis of modern ethical life. Fundamental to this conception is the distinction between state and civil society, which Hegel, adopting the findings of political economy from Smith to Ricardo, theorises in the *Philosophy of Right*. Civil society is redefined as the realm of market transactions, while the state stands outside it, not only as its guardian, but as a higher ethical domain enabling a distinct kind of freedom as citizenship, and a more conscious universality as membership in a rationally ordered community.[26] Elaborating Kantian practical reason, Hegel seeks

to accommodate both the spontaneity and the autonomy of the will. He recognises the market as a legitimate expression of particularity: of modern juridical right, of the modern division of labour, and of material satisfactions. To this extent the market realises the claims to spontaneity. If it is a condition of possibility of an alienated culture, it is also an essential moment of the free and infinite personality. The result depends on how the market is contained and governed by the state, the realm where fuller and more concrete autonomy can be practised;[27] but the relation between these spheres remains problematic. Though each has a valid range of application, the two identities inscribed in modern conceptual schemes, as citizen and as member of civil-economic society, can come into sharp opposition.

Viewing property as an important expression of the will and an objectification of freedom, Hegel also recognises that modern civil society or the market contains negations, which limit its full rationality, or its adequacy to the concept of freedom: exclusions from satisfaction and subjective right based upon poverty, growing polarisation between rich and poor, and endemic tendencies toward overproduction and crisis.[28] Though acknowledging the intractability of these problems, and refusing on principled grounds to anticipate the future, whose course is open to free intervention, Hegel seeks mediating institutions whereby the market might be contained, but not suppressed, so that its logic does not pervade and dominate the political sphere and so that its dissolving effects can be mitigated. This question and its possible resolution remain at the centre of post-Hegelian reflection.

For the Left Hegelians, the existence of the proletariat represented a standing challenge to the rationality of the existing political and social order. Addressing the new problems of urban poverty and exclusion, *Vormärz* Hegelians such as Bruno Bauer and Arnold Ruge argued that the future republican state was to maintain its role as the forum for the representation of rational freedom and general interests while promoting conditions of self-determination in other spheres of social life. Modern atomised civil society, with its incumbent dangers of particularism and diremption, was not to be abolished, because to do so would also abolish the conditions of rightful spontaneous action; but the market was to be politically contained, directed and reformed. Claiming that Hegel's state theory represented an untenable compromise between two incompatible principles, those of monarchical and of popular sovereignty, they urged a more radical formulation of the nature and basis of the state in the recognition of the supremacy of the people and its capacity to be rationally autonomous, prescribing for itself its own political constitution.[29]

Like Gans before them, *Vormärz* republicans maintained, against Hegel's more sceptical assessment, that the solution of the social question was now a concrete possibility.[30] The achievement of the rational state which Hegel had theorised, but which remained an ideal, an object of struggle, entailed the education of workers, the humanisation of their living conditions and the promotion of new types of self-consciousness – reforms which not only would eliminate pauperism, but would permeate all social relations with justice, and stimulate new forms of social and cultural creation.[31] Bauer's critique of particularism stresses the need to reconceive labour, not as a mere means to egoistic need fulfilment, but as a vehicle of creativity, a manifestation of pure practical reason, expressing spontaneity. Freedom is won in struggle. No state, not even the republican state, can grant emancipation; freedom is no gift from above, but must be won by conscious effort.[32]

From autumn 1843, Marx takes the self-emancipation of the working class to be the hallmark of his own specific form of socialism. Echoing a phrase of Schiller,[33] Marx claims that theory becomes a material force when it arouses the masses to political action.[34] Marx's polemics with Hegelian republicans help to define the character of his socialist project. For Marx, republicanism consolidates but does not transform bourgeois civil society. Marx describes the fetish character of the republican state, suspended above civil society but unable to create a genuine common interest where the economy remains divided by class.[35] By setting up a sphere of spurious political universality, an illusory community, republicanism leaves intact the individualistic and egoistic strivings of civil society, thus confirming and masking rather than challenging the hegemony of capital.[36] For Marx, under socialism, the universality which the state represents only abstractly is to become effective and concrete by penetrating and transforming the relations which sustain and reproduce material social life. Thus, from its inception, Marx's theory of socialism is inspired by the idea of a universal which is not separated off into its own quasi-celestial political sphere, but which infuses the material realities of labour. In working out these ideas, Marx refashions the Kantian antinomies of autonomy and heteronomy, and of spontaneity and receptivity.

Labour and spontaneity

Like Kant, Marx too observes the essentially passive character of Enlightenment materialism, its tendency to subordinate individuals to natural impulses, and, in Marx's formulation, its privileging of consumption over

production. He sees his own version of materialism, based on labour, as indebted (though problematically) to the activist notions of his Idealist precursors.[37] Labour is Marx's version of spontaneity. Just as Kant's concept is not identical to Leibniz's, so Marx's is distinct but related to both. In the ways that it connects teleology with the causal nexus, Marx's conception is more compatibilist than the stricter rendering of Kantian negative freedom. But it avoids the defects of previous materialism by retaining the core idealistic meaning of spontaneity as (potentially) self-directed and self-causing activity. Labour involves the engagement of subjective teleology with objective causal mechanisms, both natural and social-historical. Working subjects are not mere bearers of an engulfing natural necessity, but originate their projects, either freely or under social compulsion, in ways which are not uniquely causally prescribed.[38] Their activity in taking up and transforming a given manifold in work is guided by a concept, whose origin is no longer a priori but contextual and historical. The range of available ends in labour is always constrained by historically evolving technical possibilities, but also by the social form of labour (organising co-operation in various ways, even in antithetical form as atomised) and by the prevailing relations of appropriation of its instrumental conditions and its product.

In the active transformation of nature according to a concept or rule, the scope of labour is not exhausted in the satisfaction of material need. Labour is not merely the expression of empirical practical reason, or of the quest for happiness; it overlaps with the domain of pure practical reason (though Marx dispenses with that term as unnecessary Idealist baggage). Labour is an expression of freedom, even when that expression assumes a negative form in the denial of freedom, as under the prevailing capitalist relations of production. Because labour manifests freedom as well as necessity, its centrality avoids the defects that Marx uncovers in previous materialism, the denial of subjective spontaneity. The intrinsic connection of labour and freedom recurs in Marx's notion of alienation, as the suppression not just of material satisfaction, but of free self-expression;[39] and in the notion of the proletariat, not only as the exploited, suffering class, but as an active, formative power, revolutionary in its capacity as the determinate negation of existing productive relations.[40] The defining feature or ground of existence of capitalism, the separation of the workers from the means of production, is also its limit, marking out the conditions and the agency of its possible overthrow. Marx's repudiation of the sentimental socialisms of his day, which stress the misery imposed on workers by the inhumanity of capitalistically structured life,[41] represents his acknowledgement of labour as a spontaneous, creative force,

even in conditions of its estrangement. His insistence that the exploitation of labour cannot be remedied merely by a more favourable distribution of consumption goods, but only the transformation of productive relations, underlines the same point (though struggles over distribution are strategically far from negligible, as they *can* lead to a deepening consciousness of antagonistic interests). Marx transforms Kant's moral ideas by defining the alienation of labour as heteronomous determination by alien wills, and by conceiving socialism, the emancipation of labour from its capitalist constraints, as autonomy made concrete.

The subject of labour had been addressed explicitly by Kant and the Idealists. In 'Idea for a Universal History',[42] Kant defined labour as breaking the inertia and passive satisfaction of the self, which finds in work a means of its own liberation from heteronomous determination by sensuous impulses. The first movement of freedom lies in the discipline and training of these impulses, and the development of subjective capacities to formulate and secure ends. Hegel's *Phenomenology* elaborates this insight through the incipient and defective intersubjectivity of the master–slave relation.[43]

Marx's understanding of labour is also nourished by Fichte, who makes the link between labour and spontaneity thematic. The *Closed Commercial State*[44] is intended to secure not primarily the happiness of subjects but their freedom, that is, to maintain the conditions for the exercise of the free causality of each individual in the world, and to assure a just system of distribution, in which none can rightfully enjoy luxuries until all are able to provide themselves with necessities.[45] Fichte argues that the sphere of right can be illegitimately constricted by economic institutions when, as a result of inequality in civil society, some individuals are deprived of access to the means of activity in the objective world, and thus are denied freedom. Despite its problematic controls and regulations, Fichte's interventionist state is designed to preserve the possibility of free causality and spontaneity for all subjects, consistent with the basic principles of Kantian juridical thought. In contrast to Wilhelm von Humboldt, for example, who had derived from his reading of Kant the idea of extremely circumscribed state action,[46] Fichte's attention to the material conditions of freedom marks him as a precursor to Marx's own view of labour. Both *The Foundations of Natural Right*[47] and *The Closed Commercial State* focus on freedom and action in their juridical aspects as the right of spontaneity, the right to initiate changes in the world of the senses in accord with our concepts and purposes, and to bring these processes to fruition. The right to labour is the fundamental juridical principle: to be a cause of change in the material world, and to be

recognised as this cause. An *ought* governs the moral and juridical spheres, enjoining subjects to processes of social creation, extending the scope of rightful action, and gradually perfecting intersubjective relations under the command of morality.

Yet the connection between Marx and post-Kantian Idealism lies at an even deeper level. Fichte's and Hegel's elaborations of the Kantian account of experience offer insight into the passage from Kant to Marx. As the post-Kantians perceived, the defence of the activity and spontaneity of the self, its freedom in the world of objectivity, can be developed from resources internal to Kant's first *Critique*. It is possible to show, on Kantian grounds, that the cognising subject is at least partly self-determining in relating to the objects of experience. The spontaneous activities involved in the cognitive appropriation of a given manifold, and their analogues in practical action, are central Idealist discoveries.

Kant defines experience as the unification of an intuited sensory manifold according to the a priori rules or concepts prescribed by the understanding. The distinction between concept and intuition, central to the critical project (Kant had censured Leibniz for conflating these terms), is, however, not to be understood as the distinction between activity, on the one hand, and mere passive reception, on the other. The pure forms of intuition (space and time) are the medium by which an external content is given to consciousness, and they already involve for Kant himself a degree of activity and spontaneity, even though he reserves the latter term for the synthesising acts of the understanding. The intuitive moment, the appropriation of an external content within consciousness, is never a matter of simple determination from without. Intuition refers to the *active* reception of a given content, a positing or taking up, by which the knowing subject assumes a relation to that which is external to it. This is not the assertion of an unbounded freedom or complete exemption from any external constraints, but rather an activist idea that the objective world is present for the self only through the self's own exertions. This activity, already implicit in Kant's pure forms of intuition, is expressly thematised in Fichte's *Wissenschaftslehre*.[48] The intuited content, next, is subject to further active transformation, as matter to be shaped, determinable in the light of concepts or ends. The historicisation of these concepts and the changing shapes of their articulation (as modes of experience of self and world)[49] are traced in Hegel's *Phenomenology*.[50] For the post-Kantians, the activity implicit in the cognitive synthesis of a given manifold in pure reason offers important analogies with the *material* synthesis effected in the sphere of practical reason. The relation between concept and intuition not only

establishes the activity of the self in its epistemic relations, but also opens the way to distinct models of labour.

In 'Theses on Feuerbach', Marx criticises the bifurcation of modern philosophy into (mechanistic) materialist and (subjective) idealist currents. The former defends receptivity but denies spontaneity, whereas the latter (on Marx's account) confines activity to intellectual labour or goal-setting, but abstracts from the processes of realisation. In its central concept of labour, Marx's new, activist materialism synthesises teleology and causality, purpose and process, integrating subjective and objective dimensions which, he argues, modern philosophy has sundered.[51]

While, in light of the foregoing, this criticism seems spurious in respect to Fichte and Hegel, Marx's argument against Feuerbach carries greater weight. The relative independence of the given manifold to be synthesised, and the priority of that matter to its subsequent conceptualisation, are the central claims of Feuerbachian naturalism.[52] Stressing the immersion of human beings in their natural milieu, Feuerbach seeks to block the more activist readings of intuition, retaining instead precisely the sense of passivity and receptiveness against which the post-Kantian idealists had contended. Feuerbach's critique of Hegel is an attempt to restore the independence of the moment of intuition which, he claims, had been assimilated by the Hegelian concept. In essence, he maintains that Hegel effaces the concept/intuition distinction, falling back on a Leibnizian, pre-critical position. Feuerbach stresses instead the priority and irreducibility of the material element to thought.[53] Marx agrees with Feuerbach that idealism inverts the relation of subject and predicate when it hypostatises thought as the genuine subject, and reduces concrete individuals to its bearers. This reversal also accounts for the false positivism which permeates Hegel's accounts of state and society, his tendency to seek arbitrary exemplifications of pre-existing logical categories, from which ensues his apparent accommodation with the existing order.[54] While criticising the passivity of Feuerbach's materialism,[55] its preference for perception over action and for sentiment over robust self-determination, Marx continues to stress the independence of the natural substrate within the newly conceived labour process. This is Marx's materialist rendering of Kantian intuition. Correlative to intuition, the concept now refers to the transformation of this given material according to rules, which are not a priori in the Kantian sense, but empirical and historical, governing how purposes can be realised through objective causal connections. Two models of labour can be distinguished in Marx's work, one beginning with the concept or purpose of action, the other with the reception of a given manifold. The

Kantian concept and intuition are thus reconfigured in Marx's account of labour.

Marx's theory of labour in the 1844 *Paris Manuscripts*[56] implicitly reproduces the threefold form of (external) teleology in Hegel's *Science of Logic*.[57] As intentional action, the labour process consists in three moments: subjective end, means, and objective or realised end. The alienation of labour is the subversion of the connection between active subjects and the purposes they pursue in their activity. The imposition of ends by the owners of the productive apparatus prevents the self-determination of subjects in work. Prescribed by an alien subjectivity, these ends are heteronomous, and violate the principle of self-activity which Marx takes to be the essence of freedom. Here Marx critically extends to the labour process the Kantian idea of autonomy and its opposite. Similarly, active subjects are deprived of control over the instruments and processes of their labour, and are themselves reduced to the status of instruments of another's will, for the duration of their working time. They also forfeit the results of their labour to the proprietors of the productive apparatus; and their activity reproduces the very conditions of their own subjugation.[58] The autonomy of labour, the overcoming of alienation, implies that workers gain control over the forms and purposes of the material interchange which they conduct with nature. This requires, for Marx, collective property in the means of production.

In *Capital*, Marx will invoke the same teleological structure to describe the qualitative character of concrete labour. Its qualitative aspect or determinacy is derived from the particular result which is aimed at, from the specific purpose which initiates the labour process.[59] Here is an important revision of the Kantian account. For Kant, it is intuition, not the concept, which provides determinacy to experience. The generality of the concept is rendered specific and endowed with content by the specific features of the intuited material, determining which of the realm of abstract possibilities is realised in experience; hence Kant's famous phrase that the concepts without intuitions are empty.[60] In the analysis of labour as teleological action, however, Marx appears to be attributing to the *concept* the role of specification and determination, insofar as labours are distinguished by the particular needs toward which their products are directed. This is to inflect Kant in a Fichtean direction, where the concept becomes the condition of possibility for any particular intuition. Marx's later account of concrete labour maintains this orientation. Such an intentional account can be distinguished from one in which the purpose does not precede the act of labouring, but is intrinsic to it. Marx's work contains both perspectives.[61]

The German Ideology of 1845–6 introduces the second model, which abstracts from subjective purpose as its initial moment, and focuses instead on the structural determinants of labour. This model begins not with the determinacy of a particular goal, but with the given objective contents to be synthesised. By shifting emphasis away from the initiatory moment as teleological, the new model begins to conceive labour in abstraction from its specific goal-directed forms. Now the first moment is the conditions of labour, both natural and instrumental, which are given independently of volition and must be taken up in conscious action. The second moment is activity itself, understood in its duality as goal setting and execution (thus not dismissing teleology, but construing purpose as intrinsic to the action). The third moment is the product, not as the crystallisation of a particular goal, but as the transformation of the given manifold. Labouring subjects confront conditions independent of their wills which they must reproduce and transform.[62] As a facet of this activity, goal formation refers to the ways in which the given manifold can be modified; its range is circumscribed by the objective possibilities contained in that manifold. These material constraints are to be sharply distinguished from the heteronomous imposition of ends through social relations of subordination. Through this conception Marx recasts the Kantian idea of intuition as the reception of a given manifold, and focuses on the *material* synthesis of the given. Later, in *Capital*, where products reappear as conditions of new production, Marx's analysis demonstrates that the conditions of activity which had initially appeared as a given starting point are in fact the *result* of past labour. The given reveals itself, upon analysis, to be highly mediated. The intuition of the sensory manifold is thus historicised, opening access to the historical process as the systematic and cumulative history of labour, and to the idea of modes of production as different ways of organising the reproductive cycle, the recurrent relation between activity, preconditions and product.

Despite its antispeculative intentions, *The German Ideology* manifests its Hegelian roots in describing the culture of diremption in the sphere of circulation and the market, where workers compete against each other for employment; and in its contention that this culture of division and fragmentation exists in tension with another reality, that of processes of integration and fusion of interest. Marx reads these processes as the creation of a new revolutionary subject within the sphere of production, forged under the constraints of capitalist accumulation. This subject is uniquely equipped to realise the Hegelian ideal of the free and infinite personality, once it is no longer hampered by the division of labour in its capitalist guise. In stressing

the active, transformative historical role of the working class, and not primarily its suffering or immiseration, Marx again takes up the legacy of Idealism, where empirical practical reason and happiness are ancillary to the idea of freedom prescribed by pure practical reason. For Marx, the Idealists had failed to think through the principle of autonomy to its radical conclusions, but had rightly stressed the primacy of activity. This activity now needs to be reinterpreted as the social and material interplay with nature. Collective control of the means of production liberates individuals from their subordination to the division of labour, and overcomes the opposition of particular and general interest rooted in private property. The corresponding realisation of the right to work (though Marx rejects this term as merely legalistic) is the establishment of a free, conscious and willed connection between labour and its preconditions, the material basis for autonomy.

The German Ideology, moreover, displays a certain Hegelian logic in the opposing dialectical syllogisms of class formation of the bourgeoisie and proletariat (the many ones, and the many coalesced as one);[63] but the stress on the concrete immediacy of premises in *The German Ideology* – on their intuitional givenness – cedes to a dialectic of the abstract and the concrete in the *Grundrisse* and *Capital*,[64] by which concrete labours can also be depicted as quantitative variations in the formally undifferentiated expenditure of labour power.[65] Both teleological and structural models together are necessary for Marx's decipherment of surplus value and of capitalist dynamics.

Marx's description of two discrete models of activity heralds a distinction fundamental to *Capital*, between concrete labour and formally undifferentiated social labour (appearing in capitalism as abstract labour). In the 1840s, Marx does not yet formulate this distinction, but through the second, structural model takes an important step towards it by identifying a common essence of labour irrespective of its concrete forms.[66] The duality of labour, teleological and structural, in Marx's work before 1848 does not imply an 'epistemological break' between an early philosophical and a later scientific Marx,[67] since he does not abandon the teleological model as a humanistic deviation, but reintegrates it decisively. In the dialectic of abstract and concrete labour, from which the theory of surplus value derives, *Capital* effects the theoretical synthesis of the two models.

Concrete labour is qualitatively determined, and it is so in virtue of its concept (and not, as in Kantian experience, by its intuitive content); it produces use values to serve a specific end, whether of consumption or further production. As concrete, labour is conceived according to the teleological model, as the realisation of a particular directive purpose.[68] *Abstract* labour,

on the other hand, allows for only quantitative variations as expressions of a common substance. It reduces all labour to an identical essence, the expenditure of human formative energy, distinguished only in its duration and intensity, but not by the specific products which it yields. It generates value, whose measure is the amount of labour time socially necessary to reproduce the product.[69] In capitalism, products appear as commodities for exchange on the market, and these commodities can be conceived from both vantage points, as use values directed to some specific end, and as exchange values or quanta of labour time, manifesting in their very structure the duality of labour which produces them.

Surplus value, the secret of the capitalist exploitation of labour, originates in the disparity between the *value* of the commodity labour power (the wage as the measure of the consumption package necessary, at a particular historic time and place, for the workers to reproduce themselves, and to be able to work again) and the *use value* of that same labour power, its capacity to produce goods whose value exceeds its own cost of reproduction. Unlike previous social forms where those who laboured retained a more direct connection with the instruments and conditions of their work,[70] the defining character of capitalism is the creation of the proletariat as a class without property, or the sundering/alienation of the workers from their means of production. Now monopolised by the capitalist class, the productive apparatus is accessible to the workers only through the sale of their capacity to work. Labour power has itself become a commodity under capitalism, bought and sold at its value; once the workers in their daily activities have reproduced the value equivalent of their wage in the form of new products destined for the market, they then furnish essentially unpaid labour to the capitalist for the remainder of their working day.[71] The source of capitalist profit is not that labour is paid less than its value, as Gans had believed; it lies rather in the dialectic of use value and exchange value, and beneath that in the duality of labour as both teleologically directed and formally indeterminate.

In *Capital*, and its preliminary studies entitled the *Grundrisse*, Marx effects what has been described as a second appropriation of Hegel.[72] He identifies a homology between the abstractive processes of capital (the universality of the commodity form which, under the concept of exchange value, homogenises the products of concrete labour), and the abstractions of Hegelian logic, which seeks to identify pure essences devoid of contingencies.[73] On the basis of this homology, Marx depicts the *alienated* forms of mediation among individuals and classes through the fetishism of commodities. He deciphers the logic of capital as analogous to that of a self-organising concept,

distinguishing itself in its movement into various spheres of activity (production, circulation, distribution). He examines the relations which sustain the reproductive process of capitalist society, relations both within the labour process, and among various economic actors and classes in respect to ownership and control of the means of production. He offers a historical account of the emergence of capitalism from preceding forms through the expropriation of the direct producers, and a study of its determinate negations derived from the defining feature of the system, the divorce of workers from their means of production. The essential logical operation is that of mediation, which involves neither mere inert thinghood on the side of objectivity, nor the mere aggregation of subjects, but relational forms in which apparently fixed and stable realities are shown to emerge from processes of activity, transformation and change. As in Leibniz, the level of phenomenal appearance (now the market, profit or the commodity itself) derives from a more fundamental level of active deployment of force: now production, surplus value, labour. The result is not an undifferentiated Spinozistic whole, but an articulated totality of relations and spheres of activity. This is a decisive Hegelian moment in Marx's work.

If *Capital* is a work of science, it is so not in the positivist sense in which it was later interpreted by official Marxism, with its deterministic programme of dialectical materialism. Marx's scientific approach is analogous to Hegel's critique of the abstract Kantian *ought*, but this does not mean that it is devoid of normative elements.[74] Hegel's insistence on the rationality of the real is the recognition of objective contradictions and processes of development, the identification of determinate negations which condition and limit possible development. Marx's science remains opposed to the abstract subjective fancies of utopian socialism, but it is also irreducible to natural scientific methods. It is intended to trace the logic of development immanent in the capitalist mode of production so as to lay bare its characteristic processes of determinate negation and thus find laws defining the emergence of the specific phenomena of social life.

Post-Kantian perfectionism

Despite his critique of moralism, Marx's programme of emancipation retains ethical elements of post-Kantian perfectionism typical of the Hegelian Left.[75] Marx's position has been described as a self-realisation account of freedom,[76] or as an account of freedom as the expression of expansive non-volitional needs (independent of subjective preferences,[77] and containing both fixed

and historically variable components[78]). It is perfectionist in holding that the development of certain capabilities is of intrinsic, and not merely instrumental, value.[79] For Marx, these capacities include the satisfaction of basic physical needs, but also, expansively, intellectual and cultural development, the exercise of labour as spontaneous creativity, and membership in a community.

Prior to Kant, perfectionist theories (ultimately Aristotelian in origin, with Christian Wolff as a significant Enlightenment proponent)[80] had invoked a fixed human nature, and sought the conditions for its material, mental and spiritual thriving. In affinity with cameralist economics[81] (which Marx would encounter in his own university studies), Wolff espoused an interventionist enlightened absolutism, whose objective was to guarantee adequate living standards, education, housing and environment, to promote the happiness of the population through the development of the local productive forces: a tutelary state which Kant would repudiate in 'Theory and Practice'[82] as the paternalistic denial of freedom qua spontaneity. Marx's own perfectionism, in its account of standard and non-standard needs, risks appearing as a self-managing variant of Wolffianism, unless we understand its expressly post-Kantian character, that is, its endorsement of spontaneity and freedom, and not only need satisfaction. But it is precisely here that an important ambiguity lies.

Post-Kantian perfectionists from Schiller and Fichte onwards, through the Hegelian School, repudiated Wolff's view of predetermined natural ends and predicated their theories instead on spontaneity and self-creation. They also rejected the Leibnizian idea of a pre-established harmony of interests, in favour of the view that harmony is a (problematic) result to be achieved through conscious and concerted effort. These theories accommodated in different ways the Kantian distinction between empirical and pure practical reason, happiness and freedom. Freedom requires that each individual be enabled to pursue particular conceptions of happiness, without authoritative imposition. The perfectionist character of this approach lies in its commitment to 'social creation,'[83] to securing and enhancing the practices of freedom, and eliminating obstacles to it: actions are validated by their contributions to these ends.

Two central theoretical issues can be distinguished in post-Kantian perfectionism. Firstly, what is the relationship between happiness and right, and conceptions of happiness or thriving itself? In a Kantian register, the pursuit of happiness or need fulfilment is subtended by a juridical order of right which circumscribes the legitimate sphere of each subject, and

simultaneously enables the practice of freedom. Marx's early polemic with the republicans leads to a dismissal of this problem, since he conceives the idea of right as a principle of bourgeois ideology, dispensable under the socialist organisation of production. Republican perfectionists, however, maintain there must be a mechanism for the enforcement of right, not the presumption of common interests, to guarantee the grounds of freedom. A system of juridical rights is not necessarily equivalent to a regime of private property, but a means of co-ordinating individual teleological acts, even if these are no longer animated by irreconcilable interests. It is to offer mutual guarantees of freedom, while permitting each to define the particular ends of happiness or satisfaction. Otherwise the distinction between happiness and freedom dissipates, and the result resembles a Wolffian perfectionism.

Secondly, are the ends of happiness the result of the mechanism of nature (the causal problem of Enlightenment materialism), or the ancient sense of nature as a system of fixed ends, as in Aristotle; or are these ends products of spontaneity, open to variation by the will of active subjects? Concepts of determinability, as self-shaping, figure in Schiller and other post-Kantians; so also in Marx, when he stresses the historical variability of social characteristics. A defining feature of Marx's early thought, however, is the combination of such Kantian ideas (often understressed in the literature[84]), and a substantive good reminiscent of Aristotle,[85] mediated through the Feuerbachian idea of species-being and the postulated conditions of thriving.[86] The latter subsume the subject under predetermined ends (even if these are conceived as historical rather than as permanently fixed), in unresolved tension with the Kantian sense of free self-determining spontaneous action.[87] While Aristotelian *eudaimonia* is not to be equated with subsequent naturalistic and scientistic accounts, Marx's incomplete assimilation of Kant left open a theoretical space to be filled by heterogeneous ideas. Marx connects labour both to need satisfaction and to freedom, but the Kantian distinction between empirical and pure practical reason may have been, partly, effaced in his turn to materialism.

Aftermath

Following the scientistic turn in European social thought after 1850,[88] Engels develops a dialectics of nature, a naturalistic materialism whereby human consciousness and activity could be explained through the laws governing material interactions, yielding a determinist and technicist reading of history.[89] This tendency crystallised as official Marxist doctrine in debates

about the international workers' movement in the late nineteenth century, and was formalised in Soviet readings of Marx.[90] Lenin's early work[91] evinced this mechanistic materialism, but his 1914 study of Hegel's *Logic* modified his understanding of economic processes and revolutionary subjectivity.[92] He recognised self-movement or spontaneity as the central dialectical category, but now inflected in a voluntarist direction.[93] Debates with Rosa Luxemburg and other communists explicitly concerned spontaneity in the organisational forms of the workers' movement. For Lenin, the spontaneous class consciousness of the workers could not achieve revolutionary clarity without the direction of a vanguard party. The paternalistic perfectionism of Christian Wolff might be reflected in these developments: in the theory of the party, and in the Soviet state's privileging of need satisfaction over freedom.

Deriving from linguistic structuralism, Althusserian Marxism of the 1960s and 1970s attempted to expunge Marx's Idealist heritage by insisting on the scientificity of his work, after the 'epistemological break' of 1845–6. Here scientificity is equated with the denial of spontaneity, and the depiction of actions (and of ideologically conditioned thought) as causal effects of variously articulated structures. Hegel was unfavourably contrasted with Spinoza, because of the inadmissibility of teleology as a scientific principle.[94]

In opposition to scientism, and influenced by Marx, members of the Frankfurt school criticised Enlightenment rationality for thwarting its own emancipatory promise by subsuming subjects under new technical imperatives,[95] underscored the technocratic and oppressive character of Soviet Marxism,[96] and endorsed against Hegel the irreducibility of being to thought.[97] In Habermas' lengthy dialogue with Marx, the retrieval of certain Kantian elements remains partial and problematic, insofar as the concept of spontaneity is undertheorised. Habermas rejects the theoretical and practical centrality of labour, construed as dramaturgical or instrumental action, presupposing a monological or self-referential subject.[98] Reviving the classical distinction of *praxis* and *poiesis*, Habermas roots intersubjectivity in communicative action, and normativity in the rationality of discourse.[99] He divests labour of its capacity to sustain and orient social life. In recent work by Axel Honneth, the naturalised and needy subject, damaged by misrecognition, assumes the central role.[100]

The development of Marxism and Marx-inspired thought is thus characterised by the marginalising or repudiation of spontaneity in favour of scientistic accounts of history and agency, and by the conceptual divorce

between spontaneity and labour. Both these movements sacrifice Marx's key insights and his intimate connections with German Idealism.

Notes

1. The theoretical relationships are analysed in Robert Pippin, *Hegel's Idealism* (Cambridge: Cambridge University Press, 1989).
2. G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991) (hereafter *PR*), 20.
3. Gustav Mayer, 'Die Anfänge des politischen Radikalismus im vormärzlichen Preußen', *Zeitschrift für Politik* (1913), no. 1, repr., 51; Jacques D'Hondt, *Hegel en son temps* (Paris: Éditions Sociales, 1968).
4. Douglas Moggach (ed.), *The New Hegelians: politics and philosophy in the Hegelian school* (Cambridge: Cambridge University Press, 2006).
5. Eduard Gans, *Rückblicke auf Personen und Zustände* (1836), ed. N. Waszek (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1995), 91–101.
6. G. W. F. Hegel, *Vorlesungen über die Geschichte der Philosophie*, *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), (hereafter *HW*), xx, 332–3.
7. Immanuel Kant, 'An answer to the question: what is enlightenment?' (1784), in *Kant's Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970), 54–60. An earlier formulation occurs in I. Kant, *Critique of Pure Reason*, ed. P. Guyer and A. Wood (Cambridge: Cambridge University Press, 1998) (hereafter *CPR*), 4–5 n. 1 (p. Axi).
8. Claude Adrien Helvétius, *De l'esprit* (Paris, 1759).
9. Paul-Henri Thiry d'Holbach, *Système de la nature ou des lois du monde physique et du monde moral*, 2 vols. (London, 1770).
10. Henry E. Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 5–6, 39–40, 60–1, 191–8.
11. Karl Marx, 'Theses on Feuerbach', in Karl Marx and Frederick Engels, *Collected Works* (New York: International Publishers, 1975), v, 3–5.
12. E.g. G. W. Leibniz, 'Discourse on metaphysics', *Philosophical Essays*, ed. and trans. Roger Ariew and Daniel Garber (Indianapolis: Hackett, 1989), 35–68. See Daniel Schulthess, *Leibniz et l'invention des phénomènes* (Paris: Presses Universitaires de France, 2009).
13. Douglas Moggach, 'Aesthetics and politics', in Gareth Stedman Jones and Gregory Claeys (eds.), *Cambridge History of Nineteenth-Century Political Thought* (Cambridge: Cambridge University Press, 2011), 479–520.
14. Spontaneity has a technical sense here of self-causing action. G. W. Leibniz, *Monadology*, ed. Nicholas Rescher (Pittsburgh: University of Pittsburgh Press, 1991), esp. §§ 11–13; Donald Rutherford, 'Leibniz on spontaneity', in D. Rutherford and J. A. Cover (eds.), *Leibniz: nature and freedom* (Oxford: Oxford University Press, 2005), 156–80. On Leibniz and German Idealism: Ernst Cassirer, *Freiheit und Form: Studien zur deutschen Geistesgeschichte*, ed. R. Schmücker (Hamburg: Meiner, 2001).
15. *CPR*, 193 (B75/A51).
16. Allison, *Kant's Theory of Freedom*, 40.

17. I. Kant, *Critique of Practical Reason* (Cambridge: Cambridge University Press, 1997), § 8 (v, 33).
18. *Ibid.*, 43 (v, 42–3).
19. G. W. F. Hegel, *Vorlesungen über die Ästhetik*, in *Sämtliche Werke*, ed. H. Glockner, vol. xii (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1964), 88, 90–1.
20. *PR*, 20–1.
21. *Ibid.*, § 260, 282–3.
22. For various perspectives, see Ludwig Siep (ed.), *G. W. F. Hegel: Grundlinien der Philosophie des Rechts* (Berlin: Akademie, 1997).
23. Friedrich Schiller, *Über die ästhetische Erziehung des Menschen in einer Reihe von Briefen* (1795), in *Werke*, ed. Julius Petersen *et al.*, 42 vols. (Weimar: Böhlaus, 1962), xx, 309–412; *On the Aesthetic Education of Man in a Series of Letters*, ed. and trans. E. Wilkinson and L. A. Willoughby (Oxford: Clarendon, 1967), Letter vi/7.
24. Hegel, *Vorlesungen über die Ästhetik*, 88–91.
25. *PR*, § 140.
26. M. Riedel, *Between Tradition and Revolution* (Cambridge: Cambridge University Press, 1984).
27. A. Patten, *Hegel's Idea of Freedom* (Oxford: Oxford University Press, 1999); F. Neuhouser, *Foundations of Hegel's Social Theory: actualizing freedom* (Cambridge, MA: Harvard University Press, 2000); K. Deligiorgi (ed.), *Hegel: new directions* (Chesham: Acumen, 2006).
28. *PR*, §§ 241–8. The 1824–5 lectures give a fuller account of overproduction and crisis: G. W. F. Hegel, *Vorlesungen über Rechtsphilosophie*, ed. K.-H. Ilting, 4 vols. (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1974), iv, 61–3.
29. Arnold Ruge, 'Die Hegelsche Rechtsphilosophie und die Politik unsrer Zeit' (1842), in G. W. F. Hegel, *Philosophie des Rechts*, ed. H. Reichelt (Frankfurt am Main: Ullstein, 1972), 624–49.
30. Bruno Bauer, 'Der christliche Staat und unsere Zeit', in Hans-Martin Sass (ed.), *Feldzüge der reinen Kritik* (Frankfurt am Main: Suhrkamp, 1968), 33.
31. Bruno Bauer, 'Verteidigungsrede vor den Wahlmännern des vierten Wahlbezirkes am 22. 2. 1849', in Ernst Barnikol, *Bruno Bauer: Studien und Materialien*, ed. Peter Riemer and Hans-Martin Sass (Assen: van Gorcum, 1972), 522.
32. Bruno Bauer, 'Erste Wahlrede von 1848', in Barnikol, *Bruno Bauer*, 526–9.
33. Cf. Karl Marx, 'Contribution to the critique of Hegel's philosophy of law: introduction', in Karl Marx and Frederick Engels, *Collected Works*, iii, 182; and Schiller, *On the Aesthetic Education of Man*, 51.
34. Marx, 'Contribution to the critique of Hegel's philosophy of law ', 175–87.
35. Karl Marx, *On the Jewish Question*, in Karl Marx and Frederick Engels, *Collected Works*, iii, 164–8.
36. *Ibid.*, 164–8.
37. Marx, 'Theses on Feuerbach', 3–5.
38. Marx, *Capital* i (New York: International Publishers, 1967), 178; *Grundrisse*, trans. Martin Nicholaus (New York: Vintage, 1973), 611.
39. Marx, *Economic and Philosophical Manuscripts of 1844*, in Karl Marx and Frederick Engels, *Collected Works*, iii, 270–82.

40. Marx, 'Contribution to the critique of Hegel's philosophy of law', 175ff.
41. E.g. Karl Marx and Friedrich Engels, *The Communist Manifesto*, ed. G. Stedman Jones (London: Penguin, 2002), 245–57.
42. Immanuel Kant, 'Idea for a universal history from a cosmopolitan point of view' (1784), in *Immanuel Kant on History*, ed. and trans. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1963).
43. Alexandre Kojève, *Introduction à la lecture de Hegel* (Paris: Gallimard, 1947), offers a controversial account.
44. J. G. Fichte, *Der geschloßne Handelsstaat*, in *Werke*, ed. I. H. Fichte, 8 vols. (Berlin: De Gruyter, 1971), III, 388–513.
45. Fichte, *Der geschloßene Handelsstaat*, 409.
46. W. von Humboldt, *Ideen zu einem Versuch die Grenzen der Wirksamkeit des Staates zu bestimmen* (1792), in *Gesammelte Schriften* (Berlin: Reimer, 1903), I.
47. J. G. Fichte, *Grundlage des Naturrechts*, in *Gesamtausgabe* I/3 and I/4 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1966 and 1970).
48. J. G. Fichte, *Grundlage der gesammten Wissenschaftslehre*, in *Gesamtausgabe* I/2 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1965); *Science of Knowledge*, trans. Peter Heath and John Lachs (Cambridge: Cambridge University Press, 1982).
49. Dieter Henrich, *Aesthetic Judgment and the Moral Image of the World: studies in Kant* (Stanford: Stanford University Press, 1992), 3–27.
50. G. W. F. Hegel, *Phänomenologie des Geistes* (Hamburg: Felix Meiner, 1987); *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1979).
51. Marx, 'Theses on Feuerbach', 3–5.
52. Ludwig Feuerbach, 'Zur Kritik der Hegelschen Philosophie' (1839), *Sämmtliche Werke* II (Stuttgart: Frommann, 1904).
53. Ludwig Feuerbach, *Das Wesen des Christentums* (1841) (Berlin: Akademie, 1973).
54. Karl Marx, 'Critique of Hegel's philosophy of law', Karl Marx and Frederick Engels, *Collected Works*, III, 3–130.
55. Werner Schuffenhauer, *Feuerbach und der junge Marx* (Berlin: DVW, 1972), 88–131.
56. Marx, *Economic and Philosophical Manuscripts of 1844*, 270–82.
57. G. W. F. Hegel, *Science of Logic*, trans. A. V. Miller (London: Allen & Unwin, 1969), 735–54; *Wissenschaft der Logik*, in *Gesammelte Werke*, Friedrich Hogemann and Walter Jaeschke, 31 vols. (series ongoing) (Hamburg: Meiner, 1981), 154–72. On intentionalist and functional models: W. de Vries, 'The dialectic of teleology', *Philosophical Topics* 19, no. 2 (1991), 51–70. I present these in 'New goals and new ways: republicanism and socialism in 1848', in Douglas Moggach and Paul Leduc Browne (eds.), *The Social Question and the Democratic Revolution: Marx and the legacy of 1848* (Ottawa: University of Ottawa Press, 2000), 55–69.
58. Herbert Marcuse, 'The foundations of historical materialism', in *Studies in Critical Philosophy*, trans. J. de Bres (Boston: Beacon Press, 1973), 1–48; C. J. Arthur, *Dialectics of Labour: Marx in his relation to Hegel* (London: Blackwell, 1986); Michael Quante, 'Kommentar', in *Karl Marx: Ökonomisch-philosophische Manuskripte* (Frankfurt am Main: Suhrkamp, 2009), 209–390.
59. Marx, *Capital* I, 41–6.
60. *CPR*, 193 (A51/B75).

61. Willem van Dooren, 'Het arbeidsbegrip in Hegels *Fenomenologie van de Geest*', in J. Kruithof and F. Mortier (eds.), *De arbeid in Hegels filosofie* (Antwerp: Lesoil, 1982), 56–7.
62. Karl Marx and Friedrich Engels, *The German Ideology*, in *Collected Works*, v, 31.
63. *Ibid.*, 74–83. Cf. Hegel, *Science of Logic*, 163–78.
64. Roman Rosdolsky, *The Making of Marx's 'Capital'*, trans. P. Burgess (London: Pluto, 1977).
65. Marx, *Grundrisse*, 103–4, 296.
66. Jacques D'Hondt, 'Marx en het Hegeliaanse arbeidsbegrip', in J. Kruithof and F. Mortier (eds.), *De arbeid in Hegels filosofie*, 74–93, derives the idea of the generality of labour, independent of its form, from Hegel's distinction of *an sich* and *für sich*.
67. Cf. Louis Althusser, *For Marx*, trans. Ben Brewster (London: New Left Books, 1977), 32–8.
68. Marx, *Capital* I, 35.
69. *Ibid.*, I, 36, 46.
70. Marx contends that earlier social forms like slavery and feudalism were highly exploitative, but lacked the dynamic features of capitalism, which make possible a communist future of abundance and freedom: Marx and Engels, *Communist Manifesto*, 219–34, 245–57.
71. Marx *Capital* I, 233–46.
72. Helmut Reichelt, *Zur logischen Struktur des Kapitalbegriffs bei Karl Marx* (Frankfurt am Main: Europäische Verlagsanstalt, 1973).
73. C. J. Arthur, *The New Dialectic and Marx's Capital* (Leiden: Brill, 2002).
74. Michael Quante, 'Die fragile Einheit des Marxschen Denkens', *Zeitschrift für philosophische Forschung* 60 (2006), 591–608.
75. See my 'Post-Kantian perfectionism', in Douglas Moggach (ed.), *Politics, Religion, and Art: Hegelian debates* (Evanston: Northwestern University Press, 2011), 179–200.
76. Daniel Brudney, *Marx's Attempt to Leave Philosophy* (Cambridge, MA: Harvard University Press, 1998), 160–7.
77. David Leopold, *The Young Karl Marx: German philosophy, modern politics, and human flourishing* (Cambridge: Cambridge University Press, 2007), 226.
78. Leopold, *Young Karl Marx*, 224.
79. *Ibid.*, 185.
80. Christian Wolff, *Institutiones juris naturae et gentium* (1754), in *Gesammelte Werke* XXVI, ed. M. Thomann (Hildesheim: Olms, 1969), § 43, §§ 106–8.
81. Keith Tribe, *Governing Economy: the reformation of German economic discourse, 1750–1840* (Cambridge: Cambridge University Press, 1988).
82. Immanuel Kant, 'On the common saying: "this may be true in theory, but it does not apply in practice"' (1793), in *Kant's Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970), 74.
83. Marc Maesschalck, *Droit et création sociale chez Fichte* (Louvain: Peeters, 1996).
84. Leopold, *Young Karl Marx*, 154.
85. See, for example, G. F. McCarthy, *Marx and Aristotle* (Lanham, MD: Rowman & Littlefield, 1992); Gareth Stedman Jones, 'Introduction', in Karl Marx and Friedrich Engels, *The Communist Manifesto*, ed. G. Stedman Jones, 99–140.

86. For permutations of this idea, see Quante, 'Kommentar', 264–8.
87. Cf. I. Kant, *Groundwork of the Metaphysics of Morals*, trans. H. J. Paton (New York: 1964), 112.
88. Herbert Marcuse, *Reason and Revolution* (Oxford: Oxford University Press, 1941).
89. Friedrich Engels, 'Socialism, utopian and scientific' (1880), in *Marx Engels Selected Works* (Moscow: Progress, 1970), III, 95–151; *Dialectics of Nature* (1872–82?) (1925; Moscow: Foreign Languages, 1954). Marx himself is not immune to this tendency. On the more naturalised account of labour, see Quante, 'Kommentar', 305–9. See also Norman Levine, *Divergent Paths: Hegel in Marx and Engels* (Lanham, MD: Rowman & Littlefield, 2006).
90. Georgi Plekhanov, 'Fundamental problems of Marxism', *Selected Philosophical Works* (Moscow: Progress, 1976), III, 117–83.
91. V. I. Lenin, 'Materialism and empirio-criticism' (1908), *Collected Works* (Moscow: Progress, 1972), XIV, 17–362.
92. Kevin Anderson, *Lenin, Hegel, and Western Marxism: a critical study* (Urbana: University of Illinois Press, 1995), 105–6.
93. V. I. Lenin, 'Conspectus of Hegel's Book *The Science of Logic*', in *Collected Works* (Moscow: Progress, 1961), XXXVIII, 236; Anderson, *Lenin, Hegel, and Western Marxism*, 96.
94. Pierre Macherey, *Hegel ou Spinoza* (Paris: Maspero, 1979).
95. M. Horkheimer and T. W. Adorno, *Dialectic of Enlightenment: philosophical fragments* (1947), ed. G. S. Noerr, trans. E. Jephcott (Stanford: Stanford University Press, 2002).
96. Herbert Marcuse, *Soviet Marxism* (1958) (New York: Columbia University Press, 1985); T. W. Adorno, *Negative Dialektik* (Frankfurt am Main: Suhrkamp, 1966), 348.
97. T. W. Adorno, *Hegel: three studies* (1963), trans. S. Weber Nicholson (Cambridge, MA: MIT Press, 1993).
98. J. Habermas, *Autonomy and Solidarity*, ed. P. Dews (London: Verso, 1986), 177, 214; *The Philosophical Discourse of Modernity*, trans. F. Lawrence (Cambridge, MA: MIT Press, 1987), 63–9.
99. J. Habermas, *Theory of Communicative Action* (1981), 2 vols., trans. T. McCarthy (1984; Boston: Beacon, 1987); *Faktizität und Geltung* (Frankfurt am Main: Suhrkamp, 1992), 135–45.
100. Axel Honneth, *The Struggle for Recognition: the moral grammar of social conflicts*, trans. J. Anderson (Cambridge: Polity, 1995).

5

Ethos, nature and education in Johann Erich von Berger and Friedrich Adolf Trendelenburg

Steffen Wagner

1 F. A. Trendelenburg: character and development

Johann Erich von Berger (1772–1833), professor of astronomy and philosophy, was, together with Karl Leonhard Reinhold, one of the two teachers who decisively influenced Friedrich Adolf Trendelenburg (1802–1872) during his studies at the University of Kiel, near his home (Easter 1822 to Michaelmas 1823).[1] Trendelenburg, who attracted attention primarily because of his above average abilities in ancient philology, had been prepared for his university studies by the (virtually) private tuition of Georg Ludwig König, a Kantian-inclined schoolteacher who influenced his pupils in a similar direction.[2] König also knew how to direct his student in the realm of educational theory and practice, entrusting Trendelenburg in his final year with the task of teaching the younger pupils.[3]

Trendelenburg studied further in Leipzig and Berlin, where on 10 May 1826, he completed his philological and philosophical studies with a dissertation on Plato and Aristotle.[4] After a long period as a private tutor in Frankfurt, he was awarded, in 1833, at the instigation of Minister von Altenstein, an associate professorship in Berlin, as well as a position in the Ministry of Culture. He taught in Berlin from 1837 until his death as a full professor of practical philosophy and educational theory.[5] In a rich academic career, Trendelenburg was three times rector of the university, five times dean of the Faculty of Philosophy, after 1846 a full member of the Royal Prussian Academy of Sciences, and from 1847 until 1871 he was secretary of its Philosophical and Historical section. His sphere of activity reached well beyond the university, and as far as the Prussian *Gymnasium* (academic school) system: for more than thirty years (1835–66) he was a member of the examinations board for prospective teachers, and for ten years he chaired

that body, which was also responsible for supervising the school-leaving examination.[6] Trendelenburg can be described as a figure who influenced, if not dominated, the academic and cultural life of the first uniting, and then later united, German (Prussian) national state, over a period of decades.[7]

Trendelenburg's entire thinking is pervaded by the idea of an immanent connection between *Ethos* and *Nature*.[8] He wrote of the 'metaphysical assumption of an organic world-view'[a] whose teleological view of nature is influenced, apart from Aristotle, by the philosophies of nature of Schelling and Steffens.[9] In this the character and thinking of his teacher von Berger played a very important mediating role. Trendelenburg's principle of the *teleology of immanent purposes* (which 'understands the inner purpose which manifests itself in the parts and in the whole of the knowledge-world as the determining element'[10]) moves from that which is to that which should be, from *Natur* to *Ethos*, and encompasses the spheres of action, ethics and law, all of which must 'form' themselves 'in accordance with a world-view which is fully absorbed and recognised as true'.[b] The movement from *natural teleology*, with its necessary obedience to the laws of nature, to the *ethical teleology* found in the human is the leap to the freedom which constitutes the human ethical world, a leap which identifies the *individual* as a *rational being*, in contrast to a natural being, which draws entirely on instinct and impulse. In a lecture on Johann Friedrich Herbart's practical philosophy, held before the full assembly of the Academy of Sciences on 5 June 1856, Trendelenburg explains his own 'Ethics of immanent teleology' as follows: 'The organic is the lower, the ethical the higher stage; because the inner purposes which pervade blindly the organic within nature become consciously known and willed within the ethical, and as a result that which is constrained in nature becomes free within humanity.'[c] The fundamental metaphysical principle of this teleological-organic world-view is at the same time the systematic assumption and basis of Trendelenburg's political ideas and his definition of law.[11] According to this definition, law is '*the embodiment of those general determinants of action, through which the ethical whole and its parts can maintain*

a. '[D]ie metaphysische Voraussetzung einer organischen Weltansicht'. F. A. Trendelenburg, 'Der Widerstreit zwischen Kant und Aristoteles in der Ethik' (1858/1860), in *Historische Beiträge zur Philosophie* III (Berlin: Bethge, 1867), 171–214, esp. 201

b. '[Welches] im Ganzen und in den Theilen der Erkenntniswelt den sich gliedernden inneren Zweck als das Bestimmende ansieht . . . wie es der als wahr erkannten und zum Grunde gelegten Weltanschauung gemäss ist'. Trendelenburg, *Naturrecht auf dem Grunde der Ethik*, § 18, 22

c. 'Das Organische ist der allgemeine Boden, das Ethische die höhere Stufe: denn die inneren Zwecke, welche das Organische der Natur blind durchwalten, werden im Ethischen gewusst und gewollt und das Gebundene der Natur wird dadurch im Menschen frei.' F. A. Trendelenburg, *Historische Beiträge zur Philosophie* III (Bethge: Berlin, 1867), 165

and develop itself'.[d] State and society rest on the *ethical idea* of humanity and the ideal of a potentially harmonious spiritual whole, to be realised in freedom, the realisation of which is the task and duty not only of individuals, but also of the legal institutions and structures of civil society. The person who acts consciously and ethically contributes as a human and as a rational being to the obligatory (both for the individual *and* society) realisation of the *ethical ideal*, *individually* through perfecting their moral capacity and their capacity for knowledge and *socially* through the creation and cultivation of the outward conditions of the ethical life in law and politics.[12]

The theme of education took on a particularly important position in the thought and work of Trendelenburg.[13] In his 1863 inaugural address as rector, Trendelenburg explained the close relationship between ethics, politics and education: 'It is up to us to improve our community through that form of public-spiritedness which in its parts raises the whole, and which holds the flourishing and blooming of the whole higher than any individualistic or ulterior motives. We must contribute, each doing his part in his place, in our intercourse with students, to the maintenance of that ethical purity and impartiality, that chaste cast of mind, without which knowledge and the development of the understanding lose their nobility and the fruit of our life's work loses its dignity.'[e] From this perspective, his influence in universities, academies and educational institutions must be understood in the context of his thinking, and his importance can be measured on the basis of the great success of his *Elementa Logices Aristotelicae*, which was used as a textbook in the *Gymnasium* system in Prussia for many decades.[14] Together with his almost forty year engagement with educational institutions, this little school book sealed – perhaps more than any other of his texts – Trendelenburg's extraordinary importance for German educational culture.

In what follows I will reconstruct and pursue two aspects of the development of von Berger's thought, throughout the period of German Idealism, both of which are also characteristic of the philosophy and influence of

d. '[D]er Inbegriff derjenigen allgemeinen Bestimmungen des Handelns, durch welche es geschieht, dass das sittliche Ganze und seine Gliederung sich erhalten und weiter bilden kann'. Trendelenburg, *Naturrecht auf dem Grunde der Ethik*, § 46, 76

e. 'Es ist an uns, unser Gemeinwesen durch jenen Gemeinsinn zu heben, welcher in den Gliedern das Ganze hochhält und das Gedeihen und die Blüthe des Ganzen über jeden eigenwilligen Nebengedanken stellt. Es ist an uns, dass wir, jeder an seinem Orte und seines Theils, im Verkehr mit der akademischen Jugend dazu beitragen, jene Reinheit der Sitte, jene sittliche Unbefangenheit und Unverdorbenheit, jene keusche Gesinnung zu erhalten, ohne welche Wissenschaft und Verstandesbildung ihren Adel einbüssen und die Frucht unseres Lebensberufes ihre Würde verliert.' F. A. Trendelenburg, *Ansprache bei der Eröffnung des Semesters am 15. Oktober 1863 in der Aula der Königlichen Friedrich-Wilhelm-Universität von dem antretenden Rektor Adolf Trendelenburg*, Berlin: Königliche Akademie der Wissenschaften (1863), 6

Trendelenburg and both of which were applied in education as well as in the practice of shaping one's personal life. What is meant here, on the one hand, is an enlightened humanist ethical ideal of the human being and of education as well as, on the other hand, a connected conceptual unity of nature and morality, which finds its expression in a metaphysical-organic world-view and in a practical philosophy. Despite unmistakable differences[15] it is noticeable how many embryonic and developmental elements of von Berger's thought – adapted to their time and philosophical circumstances and flavoured with his Aristotelianism – are retained in the work of Trendelenburg, and therefore maintain their influence *after* German Idealism.[16] Through this reconstruction it is shown how deep the roots of Trendelenburg's Socratic-ethical ideal of the human person lie in enlightened eighteenth-century humanistic educational thinking, quite apart from Plato and Aristotle.[17]

2 'Better people for better masters and better servants': von Berger's thinking before his arrival in Jena

Von Berger's career is exemplary both of the reception of the successive phases of German Idealism and of the development of the concepts through which Idealism had its impact on the later nineteenth century. In the course of his life his researches into natural science and philosophy and their practical applications continually influenced each other. His starting point was an Enlightenment humanist image of the person, an image descended from those of Kant, Reinhold, Fichte, Herder, and from the education debate in the eighteenth century (Rousseau, Goethe, Schiller), but his later views show the impress of the nature philosophy of Schelling and Steffens and the political philosophy of Hegel.

The son of a general in the Hussars who had moved from service in Hanover to service in Denmark, he sat his law examinations in Copenhagen in 1791 after completing his (for that time typical) preparatory studies in philology and philosophy.[18] He continued his studies in Göttingen, this time focusing on deepening his understanding of finance and diplomacy, sitting in on lectures by, amongst others, the political and legal scholars August Ludwig von Schlözer, Johann Stephan Pütter, and Georg Friedrich von Martens.[19] His interests ranged from German constitutional law to English history and politics to philosophy, where he was particularly taken by Reinhold's *Letters on the Kantian Philosophy* (*Briefe über die Kantische Philosophie*).[20]

Von Berger's efforts to integrate theory and practice were already apparent by this time, particularly in his engagement with the conditions of the poor and servants and in his campaigning for better schools for all ranks of

society. He took an interest in institutional poor relief as early as his time in Göttingen, as well as on a journey to Kiel in the spring of 1793.[21] In Kiel von Berger had contact with the political scientist August Christian Niemann, who was active in publicising the plight of the poor and had also co-founded the Gesellschaft freiwilliger Armenfreunde (Society of Voluntary Friends of the Poor), as well as contact with Adolf Friedrich Trendelenburg, the great uncle of Friedrich Adolf, Kantian professor of law and well-known and respected personality.[22] Von Berger was involved in negotiations with the *Gesellschaft* as a representative of the student body. The young 'politically engaged philosopher'[f] – as Ratjen describes von Berger – wrote, in the autumn of the same year, before he left Kiel for Jena in October, an essay, 'On the Condition of Servants, Particularly concerning Morals' ('Ueber das Gesindewesen, besonders in sittlicher Ruecksicht'), for Niemann's journal *Schleswig-Holsteinische Provinzialberichte*, through which he intervened in the debate on the subject of the legal regulation of this social institution by means of so-called 'Servant Statutes' (*Gesindeordnungen*).[23] In this first work the young and unknown author attempted to measure his capacities against an easily mastered, yet socially relevant, timely and above all concrete theme, to reflect philosophically on his practical engagement and to influence the conditions of his time to the extent that that was possible. This piece of around fifty pages on the condition of servants is the only direct source for an analysis of von Berger's thinking on the subject of moral philosophy *before* his encounter with Fichte and his experience of the Literary Society of Free Men (Literarische Gesellschaft der freien Männer). It views its theme, as its subtitle suggests, through the lens of morality, by which is understood an ethic of virtue and humanity to which all social (and also political and economic) concerns are subordinated.[24]

Von Berger began his treatise with a provocative thesis, which appears to modern eyes to reduce to absurdity the socioeconomic realities of the relationship between the wealthy and the poor at the end of the eighteenth century – an issue which he understood to be encompassed by his theme of the servant system: the class of house servants 'can and must' become something like a 'charitable educational establishment for humankind, a nursery for good citizens, conscientious spouses and mothers'.[g] Despite all the associated problems, one ought to view this relationship as a 'very

f. '[J]unge politisirende Philosoph'. Ratjen, *Johann Erich von Bergers Leben*, 14

g. '[K]ann und mus . . . eine wohlthätige Bildungsanstalt der Menschheit, eine Pflanzschule guter Bürger und Bauern, gewissenhafter Gattinnen und Mütter'. Berger, 'Ueber das Gesindewesen', 114

welcome preparatory period for future activity within civil society'.[h,25] Both parties should be able to use a successful relationship for their 'own ethical and intellectual development'[i] and in this way 'spread enlightenment and charitable knowledge, good morals, and rational culture'.[j] Noticeable here is the characteristic relationship between *knowledge* (pragmatic, naturally appropriate to the requirements of particular conditions of life and work) and *morality* (universal, identical for people of all classes and situations). The basis of this connection is a Kantian-influenced concept of reason, which, alongside its 'higher' theoretical and practical variants in science and ethics, is also applicable in 'lower' activities and situations, and it is in these situations that it takes on a pragmatic and instrumental meaning summarised in the concept of a *rational culture*. In contrast to these distinctions, the concept of ethos encompasses morality, and thereby the Kantian *pure* will, the field of the categorical imperative, as well as instrumental-practical, goal-directed action, the field of hypothetical imperatives.

Because of their concern with the satisfaction of their contrived desires, the better-off forget 'that all people have a common destiny, and that they are obliged to use their knowledge and spiritual powers with as much insight and energy as possible for the education and ennobling of their less fortunate brothers, who find themselves by chance dependent on the wills of their betters'.[k,26] Instead, they view these 'members of the same household, who are often far more worthy of respect . . . as members of an inferior species'.[l] 'Improvidence and a failure to recognise their own worth' on the part of the poor and 'pride and carelessness' on the part of the wealthy cause the gulf between the two to grow ever wider.[m]

As is obvious from the expression 'less fortunate brothers', von Berger regarded human beings as having been born equal. The class differences into which people are born create these differences, and make the members of one class into 'more fortunate classmates'.[n,27] And *for now* these differences

h. '[E]ine sehr willkommene Vorbereitungsperiode zu einer künftigen Wirksamkeit in der bürgerlichen Gesellschaft'. *Ibid.*, 117
i. '[E]igene sittliche und intellektuelle Bildung'. *Ibid.*, 118
j. 'Aufklärung und gemeinnützige Kenntnisse, gute Sitten und überhaupt vernünftige Kultur ausbreiten.' *Ibid.*, 119
k. '[D]aß allen Menschen eine gemeinschaftliche Bestimmung vorgeschrieben ward, und daß es ihre Pflicht sei, ihre Kenntnisse und Geisteskräfte zur Bildung und Verädlung ihrer minder glücklichen Brüder, die ein zufälliges Verhältnis von ihrem Willen zum Theil abhängig machte, nach bester Einsicht und mit dem möglichsten Eifer anzuwenden'. *Ibid.*, 116
l. '[O]ft weit achtungswertheren Hausgenossen . . . als Wesen einer untergeordneten Gattung'. *Ibid.*, 116
m. 'Verkennung eigener Würde und Leichtsinn . . . Stolz und Sorgenlosigkeit'. *Ibid.*, 116–17
n. '[G]lücklicheren Mitschüler'. *Ibid.*, 133

cannot and should not be shaken. Conditions must be changed by educational betterment rather than by revolution. With regard to the creation of 'schools for servants' aimed at specific vocations or classes, he argued that: 'It seems to me that the caste mentality must be progressively banished from our social relations. The sharp divide between the classes may have been necessary and useful up to now. With the increasing perfection of the human race, however, it must give way to the gentler and nobler bonds of citizenship, of world citizenship, indeed of humanity.'[o] However, von Berger qualifies this with the observation that 'this golden age is not achieved overnight. Centuries pass and hope may remain. Its path is cleared not by violent revolution but by virtue and justice.'[p]

Despite accepting these class differences at a fundamental level, this general attitude of cautious optimism regarding the future was also to have concrete implications for action. In the school system it was meant, amongst other things, to have an effect on the values of the people. The 'son of the less fortunate' should, on the one hand, acknowledge that change other than personal ethical development would be 'dangerous' and 'disturb and retard the completion of the communal journey', although 'very different paths will in the end lead to the same goal'.[q] In the process of realising these prospects the value of a person derives ultimately from their sincerity in the performance of those endeavours appropriate to their station.

In the language of humanism, enlightenment and revolution, von Berger urged action, addressing his comrades – 'Brothers, let us do good and not become weary'[r] – and also the good citizen, the friend of humanity: 'The whole of humanity has one common calling – one and the same destiny: To help each other in the fulfilment of the ethical calling is the ultimate purpose of all human bonds . . . Every member must understand himself as both purpose and member . . . Having absorbed this sublime truth, the father of every house must regard the relationship he has to his servants – and act!'[s]

o. 'Das Kastenartige scheint je länger je mehr aus unsern gesellschaftlichen Verbindungen verbant werden zu müssen. Die scharfe Absonderung der Stände mag bisher nothwendig und nützlich gewesen sein. Bei fortschreitender Vervollkommnung des Menschengeschlechts mus sie den sanfteren und edleren Banden des Bürgertums, der Weltbürgerlichkeit, der Humanität, die Stelle räumen.' *Ibid.*, 133

p. '[D]ies goldne Zeitalter ist nicht das Werk des Augenblicks. Jahrhunderte verstreichen und es bleibt vielleicht noch Hoffnung. Nicht gewaltsame Statsumwälzung – nein Tugend und Gerechtigkeit bahnen ihm den Weg'. *Ibid.*, 162

q. 'Sohn des minder Glücklichen . . . gefährlich . . . Vollendung der gemeinschaftlichen Wanderschaft stöhre und aufhalte . . . sehr weit auseinander laufende Wege endlich doch zu einem Ziele führen.' *Ibid.*, 134

r. 'Lasset uns – ihr Brüder – Gutes thun und nicht müde werden.' *Ibid.*, 162

s. 'Die grosse Menschheit hat Einen gemeinschaftlichen Beruf – Ein und dieselbe Bestimmung. Die Erfüllung des sittlichen Berufs sich gegenseitig erleichtern, mus der lezte Zweck aller

Von Berger's position here is obviously influenced by the Kantian-Protestant concept of the person and its ethics of conviction, as well as the ideals of equality, liberty and fraternity. He appealed ever more enthusiastically for action, turning, as a Jacobin would, to the *citizen* in his contemporaries, and as a humanist would, to the 'friends of humanity'. The goal was the highest possible for which one might take action, the ethical ideal of a life which realises one's own dignity in society.

Although the interaction between the upper classes and their domestic servants was always also a legally defined and regulated relationship, from which various rights and obligations arose, for von Berger the problem of service remained essentially a *moral* problem: 'Master and Servant are negligent in fulfilling their obligations: they are thoughtless and immoral.'[t,28] For this politically careful, scientifically educated apostle of the enlightenment – in the sense of Kant's 1784 appeal to '*sapere aude!*' – knowledge, morality and reason are inseparable values.[29] Social improvement requires the moral improvement of all those involved more than it requires legal intervention: '*Better people are required for there to be better masters and better servants*. But people can only be improved by themselves, by the free expression of reason and good will . . . But such improvement can be encouraged and assisted.'[u] True knowledge is not a pragmatic knowledge of the virtues which can be taught or learnt, but an acquaintance with one's own rational nature and its dignity. What one's moral obligations are is clear to everyone, according to von Berger, just like 'the starry heavens above and the moral law within me': 'I see them before me, and connect them immediately with my consciousness of my own existence.'[30] Morality is, as Trendelenburg also saw it later, prior to the law. Society's laws are merely 'representations – more or less accurate copies of that one great law which lives in every man's heart, and to whose divine decrees all our actions are subject'.[v]

Despite optimism about human reason, the realisation of progress is subtly undermined when positive law is not as advanced as individual perception

Verbindung der Menschen unter einander sein. . . . Jedes Mitglied müsse sich als Zweck und als Mitglied betrachten. . . . Von dieser erhabenen Wahrheit tief durchdrungen, betrachte jeder Hausvater das Verhältnis, worin der zu seinem Gesinde steht – und werde thätig!' *Ibid*., 121

t. 'Herr und Diener sind nachlässig in Erfüllung ihrer Pflichten; sie sind unwissend, unsittlich.' *Ibid*., 123

u. '*Bessere Herrschaften und Dienstbothen sezen bessere Menschen voraus*. Aber nur durch sich selbst, durch freie Thätigkeit der Vernunft, durch aufrichtiges Wollen werden bessere Menschen. . . . Aber die Besserung des Menschen kann veranlasset erleichtert, gefördert werden.' Berger, 'Ueber das Gesindewesen', 123

v. 'Stellvertreter – mehr oder minder getreue Abdrücke des Einen grossen Gesetzes, das in aller Menschen Herzen wohnt, dessen göttlichen Ausspruch eine jede unsrer Handlungen unterworfen ist.' Berger, 'Ueber das Gesindewesen', 126

of the moral law: however, instead of the upheaval of political revolution, which von Berger saw as an unpromising means, what is required is enlightenment, and the education of all classes of society.[31] The necessity of the autonomy of individual actors was also already anticipated by von Berger at this time, as well as the topic of the *Gesellschaften*. The success of attempts at education do not depend so much on the educator as on the *personal good will* of those who are to be educated. The idea of 'shaping people' (*Menschen bilden)* is a metaphor of merely practical use, since: 'if freedom and virtue are not to be hollow words, the moral improvement of people must be on their own merits.'[w] An important instrument in reaching the goal of the enlightenment and improvement of human beings is the 'free association of citizens . . . and writings'.[x] On the basis of his experience in the *Armengesellschaften* (Poor Societies), von Berger still speaks here of the 'assembling of a "Society of Free Friends of the Servant Class" [*Gesellschaft freiwilliger Gesindefreunde*]', but it would not be long before the Literarische Gesellschaft der freien Männer served as the forum in which he sought to realise his idea of collective action in societies of the educated with the aim of benefiting humankind.

Von Berger's philosophy (of history) before his arrival in Jena, and so before his encounter with Fichte and the *Lectures on the Vocation of a Scholar* (*Vorlesungen über die Bestimmung des Gelehrten*) moved in tension between the thought of Kant and that of Herder. The influence of Herder can be seen in his choice of terminology when discussing his ideals of education and of humanity, and that of Kant in his relativisation of them to a mere *capacity* for reason.[32] Kant's influence can be seen further in the matter of what is necessary for the realisation of enlightenment and also of what is thought to prevent it.[33] Without wishing to deny the contemporary influences of Rousseau or of Goethe's *Wilhelm Meister*, von Berger's conception of education also shows obvious affinities with that of Kant. One is reminded, for example, of Kant's two short pieces from 1776, which he wrote for the *Philanthropisches Archiv* with reference to the Basedow Institute. In these Kant appeals to the 'educators of humankind': to those aiming to study education at the *Philanthropinum* in Dessau and to parents who are considering sending their children to a school which is 'devoted to humankind and the development of world-citizens', affirming that Basedow has 'committed himself

w. 'Wenn Freiheit und Tugend anders nicht lere Töne sind, . . . mus die sittliche Besserung des Menschen sein eigenes Verdienst sein'. Berger, 'Ueber das Gesindewesen', 139

x. '[*F*]*reie Vereinigung der Bürger* . . . und *Schriften*'. *Ibid*., 157

to the improvement and welfare of humanity',[y] and encouraging therefore the spread of his educational institutions. He criticises the educational system of his time, which 'by no means brings forth the good within human beings, with which nature has provided them'.[z] This improvement is, however, only possible through education, which 'makes human beings out of animal creatures'.[aa] For this to happen, though, it is necessary that schools should be reformed by 'enlightened men, animated by noble ideals rather than by the wish to earn a salary.'[bb]

3 'One can only be free if one has the courage to free oneself through action': von Berger and the Society of Free Men

'Under the influence of Kant's writings'[34] von Berger finally gave up the study of diplomacy and political economy in favour of philosophy, and decided in the autumn of 1793 to leave for Jena, in all likelihood to listen to the lectures of Reinhold there. In no time von Berger became so close to him that he was involved in the awarding of a service medal to Reinhold on the latter's departure from Jena the following spring (28 March 1794).[35]

Fichte came to Jena for the summer semester. The deep impression his *Lectures on the Vocation of a Scholar* made on von Berger, as on so many, is perhaps best shown by the fact that he translated a part of the text into Danish, without, however, publishing it, for reasons that remain unknown.[36] For von Berger, the encounter with Fichte was a confirmation of the Enlightenment project and image of humankind, which he had already developed and which corresponded to a considerable extent with the ideas presented by Fichte in his *Lectures*. It was also an impetus to the implementation of his plan, alluded to in his first work, for the formation of a society with ethical-intellectual aims.[37]

In 1794–5 von Berger took an active part in the organisation of the Literary Society of Free Men, which existed formally from 1794 until 1799.[38] On 1 June 1794 – only fourteen days after Fichte's arrival in Jena and nine

y. '[D]er Menschheit und also der Theilnehmung jedes Weltbürgers gewidmet . . . der Wohlfahrt und Verbesserung der Menschen feierlich geweiht'. Kant, *GS* II, 451, 447

z. '[B]ei weitem nicht das Gute aus dem Menschen gebracht werde, wozu die Natur die Anlage gegeben'. *Ibid.*, II, 447

aa. '[W]ir thierische Geschöpfe nur durch Ausbildung zu Menschen gemacht werden können'. *Ibid.*, II, 449

bb. '[V]on aufgeklärten Männern nicht mit lohnsüchtigem sondern edelmüthigen Eifer'. *Ibid.*

days after his first lecture – ten students from various disciplines agreed on the constitution of the Society and thereafter met every fortnight or so in a rented garden.[39] These meetings involved essays and presentations on mostly ethical or political themes, chosen by the students themselves, as well as poetry readings.[40] In comparison to others, von Berger's membership was one of the longest.[41]

Von Berger's vision for the Society involved an enlightened, ethical, activist influence on his fellow human beings, and this conviction was strengthened by Fichte's second lecture entitled 'On the Destiny of Human Beings in Society'.[42] According to the minute book it was von Berger who, on 16 July 1794, 'introduced to the Society Fichte's recommendations, which were then approved, that several of the statutes be changed'.[cc] He held two lectures under the auspices of the Society, and, on 28 August 1794, was elected to the position of auditor of its statutes.[43] For this he received an honourable mention in the minutes of 11 December 1794. At the same time, however, an anti-von Berger faction arose amongst the auditors, focusing on the statutory rules on the nature of the collective external influence of the Society – an argument which von Berger, with his outward focus and commitment to influencing the student body as a whole, was unable to win.[44] As a result of this organisational conflict and the atmosphere of suspicion caused by debate concerning student organisations, negotiations on the subject of the printing of the statutes and the recognition of the Society on the part of the University lasted from December 1794 to May 1795.[45]

Von Berger remained true to his ideals independently of the Society. The bonds of friendship between its members were of great importance to him, and remained strong long after his time in Jena.[46] In the rhetorical manner of the time, von Berger wrote in his friend Johann Smidt's autograph book on 28 September 1794: 'Actions teach, actions console; away with words! . . . One can only be free if one has the courage to free oneself through action.'[dd] No better description of von Berger's life and work could be found.

Von Berger's two works from this time are closely connected to his experiences in the Society. Both first appeared in Danish, and were then translated into German by himself. The essay, *The Matters of the Day* (*Die*

cc. '[D]er Gesellschaft einige von Hrn Prof. Fichte vorgeschlagene Veränderungen in den Gesezzen, die genehmigt wurden'. P. Raabe, *Das Protokollbuch der Gesellschaft der freien Männer in Jena 1794–1799*, in *Festgabe für Eduard Behrend zum 75. Geburtstag am 5. Dezember* 1958, ed. H. Seiffert and B. Zeller (Weimar: Hermann Böhlau, 1959), 347

dd. 'Thaten lehren den Menschen, Thaten trösten den Menschen; fort mit den Worten! Nur der ist ein freier Mann, der durch Thaten sich frei zu machen den Muth hat.' Quoted in Marwinski, '*Wahrlich, das Unternehmen ist kühn . . .* ', 62f., 91

Angelegenheiten des Tages, early 1795), deals with the questions of political and religious Enlightenment (against the 'two-headed monster of political and religious superstition'),[ee] while 'On the Preconditions of an Improved National Educational System' ('Ueber die vorhergehenden Bedingungen einer verbesserten Nationalerziehung') is concerned with the educational system and its philosophical and ethical conditions.[47]

The point of view defended here and the goal of these educational endeavours can be summarised in the concepts of reason, self-knowledge, freedom, and perfectibility in the following passage from 'The Matters of the Day': '*To become one with oneself and to subordinate all to the judgements of reason*, that is the eternal law of the human will. *Freedom through reason* is the eternal goal of our struggle. The dependent and sensuous rational being must become free and autonomous.'[ff] The optimism of his first piece appears to have deserted him by this point: despite positive signs ('the political rebirth of France, and the great gospel of reason emanating from Germany'),[gg] time was passing, yet there is little evidence of improvement, meaning that human progress begins to appear like the efforts of Sisyphus. This 'human goal' of 'being at one with one's self' and 'universal sovereignty' is an unending process, possible only through 'purity of will' and 'outward, lawful liberty'.[hh]

As one might expect, the theme of association returns at length in the 'private' – but not secret![48] – societies 'for the encouragement of moral intentions'.[ii,49] In this way education becomes the focus of von Berger's researches and efforts.[50] While cautiously demanding more outward freedoms, he did not neglect his patriotic love for Denmark, but wished to combine it with his universal political ideal of humanity on the basis of the concept of reason: 'Patriotism, correctly understood, is the true cosmopolitanism.'[jj] France's example was not to be followed: 'Reason, not

ee. '[Z]weiköpfige Ungeheuer . . . *politischen und religieusen Aberglauben*[*s*]'. J. E. von Berger, *Die Angelegenheiten des Tages* (Röhß, Schleswig, 1795), 23

ff. '*Einig mit sich selbst zu werden und alles dem Ausspruch der Vernunft zu unterwerfen*, das ist das ewige Gesetz des menschlichen Willens. *Freyheit durch Vernunft* ist unseres Strebens ewiges Ziel. Das abhängige und sinnliche Vernunftwesen muß frey und selbstständig werden.' Von Berger, *Die Angelegenheiten des Tages*, 8–9

gg. 'Frankreichs politische Wiedergeburt, und das von Deutschland ausgegangene große Vernunftevangelium.' *Ibid.*, 12

hh. 'Ziel des Menschen . . . Uebereinstimmung mit sich selbst . . . Beherrschung [alles dessen,] was da ist, . . . *Reinheit des Willens . . . äussere gesetzmäßige Freyheit*'. *Ibid.*, 17

ii. '[V]ertraulich zur Beförderung moralischer Absichten'. Von Berger, *Die Angelegenheiten des Tages*, 54; 34–5

jj. 'Der wohlverstandene Patriotismus ist zugleich der einzige wahre Kosmopolitismus.' Von Berger, *Die Angelegenheiten des Tages*, 66

unbridled sensuousness, should show us the way.'[kk] A 'daily rising level of culture' and 'democracy' would lead 'to a higher form of civil freedom and political autonomy'.[ll,51]

4 Von Berger and the philosophy of nature

In the spring of 1796 von Berger and his friend August Ludwig Hülsen journeyed initially to Dresden and then on to Switzerland, where they spent the better part of a year based in Zurich, from where they made numerous excursions into the surrounding countryside.[52] An inheritance from his mother enabled von Berger to work on perfecting his own education and to seek to express and test practically, in the company of his friends, an ideal of communal life, rather than looking for a settled position.[53] The freedom to practise scientific research was amongst his major concerns, as was his deepening interest in educational questions; he often followed in Rousseau's footsteps to the Île St-Pierre on Lake Bienne, and he made contact with, amongst others, Pestalozzi.[54] Music, drawing, poetry, and reading (particularly the works of Jean Paul) filled his days, and he underwent a powerful aesthetic experience of nature while hiking in Switzerland.[55] Von Berger remained sceptical of institutionalised activity, and the rural life seemed to him the best way to avoid it. He continued to maintain his relationship to Fichte in the years which followed, but, under the influence of other thinkers, began to distance himself philosophically from him.[56]

When von Berger returned to Jena in the autumn of 1797, he had acquired an interest in the natural sciences as well as the thought of Schelling.[57] He expressed this change in a letter to a friend as follows: 'I don't wish to read anything more on natural law or morality, and instead philosophise about the life force, oxygen, light and warmth, the atmosphere of the sun, animals and plants, about the sunrise and the sunset, and about all the stars of the night. Nature is the endless power which is the source of all our joys and sorrows . . . Do you know Schelling's ideas for a philosophy of nature? It has been long since such a book was written!'[mm] While it might have been

kk. 'Vernunft, nicht die zügellose Sinnlichkeit soll uns den Weg abstechen.' *Ibid.*, 72
ll. '[T]äglich wachsende Kultur . . . Demokratie . . . zu einem höheren Grad bürgerlicher Freyheit, und politischer Selbstständigkeit'. *Ibid.*, 72f.
mm. 'Ich mag kein Naturrecht und keine Moral mehr lesen und philosophiere dafür lieber über Lebenskraft, Oxygen, Licht und Wärme, die Sonnenathmosphäre, Thiere und Pflanzen, über das Morgen- und Abendroth und über alle Sterne der Nacht. Die Natur ist die unendliche Kraft, aus der wir alle unsere Freude und Sorgen schöpfen . . . Kennst Du *Schellings* Ideen zu einer Philosophie der Natur. Ein solches Buch ist lange nicht geschrieben.' Ratjen, *Johann Erich von Bergers Leben*, 26

the case that von Berger's interest in politics took a back seat in the light of his new interest, a further letter of his, dated 27 December 1797, shows that he was not committed simply to a life of contemplation, but that he had retained both the desire for active involvement and a concern with the fate of humanity:[58] 'I will always insist that nature is the source of all our joys, for I spoke and I speak now only of our nature and the spirit which speaks to us through nature. I did not retreat from life and I will never do so. . . . Why should I fear the sufferings of people, the way they are? We are in all likelihood not sufficiently sympathetic to this suffering and are often too idle in contemplating our ideals.'[nn] In the spring of 1798 von Berger left Jena for Kiel, where he arrived after a long journey in June 1798, and subsequently met with, amongst others, Henrik Steffens.[59] During this period of his life he was primarily taken up with the idea of communal agriculture, based on the progressive technical and scientific principles which had been developed in England and were being taught and tested in Holstein at the time.[60] With the aim of learning about these matters, both practically and theoretically, he moved to Flottbeck near Hamburg.[61] The extent to which his interest in the philosophy of nature is imbued with the ideals of the old cosmopolitan enlightenment ethos is shown by his description of his plans to settle down as a farmer: 'The independence which one gains by working on one's own without expectation is such a wonderful feeling that one cannot get enough of it. Only those who work directly with nature can experience this. We wish to buy land in Holstein together, to plough and to sow, to pursue different arts and crafts, to draw more and more decent people to us, and to create a little free state under the protection of the gods. Let us begin our cosmopolitan work afresh, and do it thoroughly, in other words tend the soil from which the plants can grow and on which our young world citizens can play around.'[oo] Neither research nor attempts to write for the public were

nn. 'Ich will immer wiederholen, daß die Natur die Quelle aller unserer Freuden sei, denn ich redete und rede auch jetzt nur von unserer Natur und vom Geiste der durch die Natur zu uns spricht, ich war aus den Gebilden des Lebens nicht zurückgewichen und werde sie nie verlassen. . . . Warum sollte ich mich vor dem Elend der Menschen, wie sie sind, fürchten; wir nehmen an diesem Elend vielleicht nur zu wenig Antheil und bleiben oft zu müßig im Anschaun unsrer Ideale.' *Ibid.*, 27

oo. 'Unabhängigkeit, die der eigne anspruchslose Fleiß gewährt, ist ein so herrliches Gefühl, daß man sie sich nicht frisch genug verschaffen kann. Nur der kennt es, der unmittelbar in der Natur wirkt und schafft. Wir wollen in Holstein Land zusammen kaufen, pflegen und säen und allerlei Künste und Gewerbe treiben, mehr und mehr ordentliche Leute an uns ziehen und einen kleinen Freistaat bilden, der unter dem Schutz der Götter stehen soll. Laßt uns nur frisch unser kosmopolitisches Werk beginnen und dabei gründlich verfahren, daß heißt einen Grund und Boden schaffen, wo die Pflanzen grünen und unsere jungen Weltbürger herum springen können.' Letter from Flottbeck addressed to Rist (after October 1799), in Ratjen, *Johann Erich von Bergers Leben*, 31–2

neglected: von Berger founded the journal *Mnemosyne*, which published two issues in Altona in 1800, containing, amongst other items, his 'Letters on Nature' to 'A. H.' (August Hülsen).[62] Nature shows us 'the godly and the beautiful'. She is 'creation, and the image of *Geist*'.[pp] It is 'not only *nature* which we admire', but we seek 'in her that free and sensitive existence which is a close relation of ours'.[qq] A fundamental equality between human beings is grounded in this spirit of nature, which seeks 'everywhere that which is related to it' and grants to them 'its life and its freedom'[rr] so that we can see that even the 'sage of Königsberg' and 'any particular Eskimo' are 'simply one being'.[ss] This meets a profound human need, for 'in the circle of life More or Less is not sufficient. We seek equality, truth, and *self-contained* perfection. We struggle for ever to behold a spirit of unity.'[tt] This 'one and all' ensures that humankind may be made whole in both organic and inorganic nature, and may '*also* concern themselves with humanity' alongside nature.[uu] 'Nature is pure and complete' and we 'feel the need of' and 'follow . . . our own free eternal existence in her, through the harmony of our spirits'.[vv] In spite of all human differences ('everyone sees the glorious creation differently') it remains that everything that divides us was nevertheless created by 'one Godhead'.[ww]

The scientific view of nature and the cosmos ('through the circles of the world'), in which knowledge and feeling are apparently indistinguishable, confirms to humanity its divine origins and that it is part of the whole. This thought grants Nature meaning, and the same holds true for science: 'I believe that Linnaeus did something greater and better than mere classification, and that in fact every natural scientist seeks in his research into nature that related spirit, even if he is not aware of it himself.'[xx] It should be remembered at this point that it is a central argument of Trendelenburg's organicist world-view

pp. '[D]as Göttliche und Schöne . . . Schöpfung, und das Abbild des Geistes'. Von Berger, 'Briefe über die Natur', 6

qq. '[So ist es nicht] nur *die Natur*, die wir bewundern [, sondern wir suchen] in ihr das freie empfindende Wesen zu erkennen, das uns verwandt ist.' *Ibid.*, 12

rr. '[Ü]berall die Verwandten seines Wesens . . . sein Leben und seine Freiheit'. *Ibid.*, 16

ss. ' . . . Weltweise von Königsberg . . . ein gewisser Esquimaux . . . nur Ein Wesen'. *Ibid.*, 18

tt. '[G]enügt uns im Kreise des Lebens nicht das Mehr und Weniger. Wir suchen Gleichheit, und Wahrheit und Vollendung *in sich*. Wir ringen ewig, Einen Geist zu erblicken.' *Ibid.*, 21

uu. '*Eins und Alles* . . . auch *um den Menschen* bekümmern'. *Ibid.*, 28

vv. 'Die Natur ist rein und vollendet . . . [wir] vermissen . . . verfolgen . . . unser eignes freie unendliche Daseyn in ihr, durch die Harmonie unsrer Geister.' *Ibid.*, 41

ww. 'Jeder sieht die herrliche Schöpfung anders . . . Eine Gottheit'. *Ibid.*

xx. 'Nur meyne ich, daß Linné wohl noch etwas grösseres und besseres that, als klassificiren, und daß überhaupt jeder Naturforscher in der Natur eigentlich nur den verwandten Geist zu erforschen sucht, wenn er es auch nicht immer selbst wissen sollte.' *Ibid.*, 27

and his conception of science that the practice of natural science leads to organicist thinking.[63]

In the autumn of 1800 von Berger took up a position in the Copenhagen pensions office, in accordance with the wishes of his father. He was present during the English attack of 1801 and took part in the hostilities as a volunteer.[64] When calm returned to Holstein he acquired the Seekamp estate near Kiel, married the Countess Anna Holk, and settled down there with her. As Hülsen also settled down on a neighbouring farm in 1804 one can speak of a circle of 'philosophical farmers' which gathered around the von Berger and Hülsen estates: Fouqué was initially there, as were Thaden and Rosenkrantz, who also lived in the vicinity.[65] It was for the realisation of those plans which had developed between Jena and Switzerland, and for that *ethical* moment which unfolds in higher companionship, that the interest in the *philosophy* of nature and the natural sciences had been taken up. One gets the impression that the political and educational aspects of the ideals of the old Jena friends working on the lands of Holstein receded into the background, despite the unity of *Ethos* and *Natur*, as a result of the somewhat individualistic and elitist form in which they were lived out at this time. Their place was apparently taken by science, if a rather mystical understanding of science, in which the power of poetry was preferred to scientific rigour. This retreat from philosophy to visions of nature – and to knowledge of God (through *sight* and *sense*) as well as to worship – happened, against a religious background, in rapturous, romanticising, allegorical and mythologically saturated language, somewhere between that of philosophy and that of poetry, the distinction between which von Berger explicitly rejected.[66]

It was, to a certain extent, in this middle phase, in which he was preoccupied with the philosophy of nature, that von Berger adopted the organicist world-view that so influenced Trendelenburg, and for which he himself later attempted to find systematic support. That model of living is still, despite all material difficulties, to be understood as one of *general* application, capable of having an *influence* on society. It looks, however, as though von Berger's initial optimism gave way to a more sceptical attitude to social reality, in which the realisation of his ideals now seemed possible only in seclusion, either individually or with a small group of like-minded people.

During the difficult years of turmoil around the time of the Napoleonic wars the problems of economic survival competed for his attention with questions of a philosophical nature, as well as his own research, focused now

primarily on the philosophies of nature of Schelling and Steffens, but also on physiology and physics.[67] In the end he wanted to sell his estate, but sought a buyer in vain.[68] Henrik Steffens fled the turmoil in the wake of the French invasion in 1807, initially to Hamburg, then to Kiel, which at that time was still Danish, and then to Copenhagen; he and his family were accommodated for many months on the Holstein estates of friends.[69] In his memoirs, Steffens claims to have influenced von Berger's *A Philosophical Account of the Harmonies of the Universe* (*Philosophische Darstellung der Harmonien des Weltalls*), which appeared shortly afterwards.[70]

Von Berger now turned his attention from the concrete conditions of life in society to researching the question of our relation to the infinite and that harmony of the whole which can be captured in one eternal thought. 'In the eternal idea of the wise, all peoples of the earth live the same divine life, and their *unification* (the earth's coming to self-knowledge) is the great phenomenon we call history. Here every external difference of speech and of social form etc. disappears – as individual chords in a harmony – and all must harmonize in the perfection and glorification of the eternal (ideal) man. This was how *Socrates* envisioned things when he was asked who his people were and replied that he was a *citizen of the world*.'[yy] By the mere addition of the concept of harmony – the notion of the abolition of difference in an eternal Idea – von Berger succeeds in importing his ethical-cosmopolitan concept of humanity, together with his concept of association and its possible fulfilment in history – the free association of noble and enlightened citizens into a life of virtue and external freedom, which, consistently with Fichte's vision, had been the condition of the progress of humankind[71] – into his new conception of the philosophy of nature, and thereby to imbue it from the very beginning with a markedly ethical-political character.

Dissatisfied with the conventional mathematical manner of presenting astronomy, von Berger resolved to take up contact with the scholarly world once more as soon as the opportunity presented itself. As a result he travelled, in 1809, to Göttingen, so as to deepen his knowledge of astronomy under Carl Friedrich Gauß.[72]

yy. 'In der ewigen Idee des Weisen leben alle Völker der Erde das gleiche göttliche Leben, und ihre *Einigung* (die Selbsterkenntnis der Erde) ist das grosse Phänomen der Geschichte. In dieser Idee verschwinden – wie in der Harmonie die einzelnen Accorde – jene äusseren Verschiedenheiten der Sprache, der geselligen Formen u.s.w., und alle müssen zur Vollendung und Verherrlichung des ewigen (idealen) Menschen zusammenstimmen. Diese Idee war es, welche dem Griechen *Sokrates* vorschwebte, als er auf die Frage, wes Volkes er sey, einen *Weltbürger* sich nannte.' Von Berger, *Philosophische Darstellung der Harmonien des Weltalls*, xxi

5 The institutional path and the development of the system

Johann Erich von Berger was called to the professorship of astronomy at the University of Kiel in 1814, where he remained until his death in 1833.[73] Apart from his mathematical lectures, he also taught philosophy, exclusively so after the death of Reinhold, being additionally appointed to the chair of philosophy in 1816.[74] With Friedrich Christoph Dahlmann and other colleagues he founded the patriotic journal *Kieler Blätter* (1816–19), in the pages of which – in this troubled period after the Wars of Liberation and the Carlsbad Decrees – he intervened in the discussion about a corporative German constitution, writing two long essays on political and social theory.[75] In connection with his role as professor of philosophy, he initially produced a small piece on the religion debate, and then, most importantly, his *General Outlines of Science* (*Allgemeine Grundzüge zur Wissenschaft*), which he published in four parts over a period of ten years (1817–27), and which served as the basis of his lectures.[76]

Von Berger returned to social themes in the *Kieler Blätter*: the journal, as he explained in his first contribution 'On the Distinctiveness of Peoples' ('Ueber Volks-Eigenthümlichkeit'), was to serve as a 'society for the encouragement of those called to science', to 'bring knowledge into life', and also to express opinions 'on the most important human issue – *how we should live together*'.[zz] The time was ripe, as he saw it, for a discussion of the issue of the corporative constitution, and it was to such a debate that he called the 'thinking men of the Fatherland',[aaa] the 'heart' and 'voice of the citizens', as well as the scholars, who ought not to live 'in the monastic seclusion *of their ideas alone*'.[bbb] This sounds like a return to the demands Fichte made in Jena in 1794, and to von Berger's reasons for leaving his rural seclusion and entering the institutional life of the University of Kiel.

At this time von Berger became ever more interested in Hegel, in particular in his phenomenology, his logic and his philosophy of nature, the influence of which could already be seen in his writings and discussions of

zz. 'Verein zur Pflege der Wissenschaften berufener Männer . . . das Wissen ins Leben einzuführen . . . über die höchsten Angelegenheiten des Menschen, *wie er mit Menschen zusammen lebt* . . . ' J. E. von Berger, 'Ueber Volkseigenthümlichkeit und den Gegensatz zwischen den mehreren Völkern', *Kieler Blätter* 1 (Kiel: Verlag der academischen Buchhandlung, 1818), 2

aaa. '[D]ie denkenden Männer des Vaterlandes'. *Ibid.*, 3–4

bbb. 'Herz . . . Stimme des Bürgers, der nicht in klösterlicher Abgeschiedenheit *nur in seinen Ideen* [leben solle]'. *Ibid.*, 6

the harmony of the whole before the *Allgemeine Grundzüge zur Wissenschaft*. In a passage from 'Ueber Volks-Eigenthümlichkeit', the content of which is dialectical, but which uses his own words and makes no reference to Hegel, he writes:

> The antithesis [of nature] is necessary, as originally grounded in nature. Nature is however itself only the reflection, or the eternal sphere, of reason. The antithesis is therefore also grounded in reason, and everywhere also ceases to be external and independent of *Geist*. In whatever form it appears, *Geist* subordinates the antithesis to itself, and determines it according to its own law. What was once external, random and unintelligible to *Geist*, becomes internal, moderated and recognised by it. In this way it becomes a sublated antithesis, or harmony. It is inseparable from finitude, or rather it is finitude, determinate existence, itself, which one may also therefore call the way of being of the infinite (or the purely spiritual).[ccc]

In 1819, in 'On the Purpose and Nature of Civil Society' ('Ueber Zweck und Wesen der bürgerlichen Gesellschaft') the references to Hegel are explicit in the discussion of the social contract between the 'people and the authorities' which founds the state: 'It is a contract the (immortal) people makes with itself, an expression of that universal thought which orders its relationships and is now at one with itself. The people and the authorities are not to be thought of as two separate, independent, *contracting parties*. Rather they represent a substantial and original unity, as expressed particularly profoundly and admirably by Hegel.'[ddd] Von Berger also shared Hegel's assessment of the negotiations surrounding the Estates of Württemberg, in particular his opposition to a purely atomistic ordering of society. Suffrage in civil society needed to be dependent on conditions such as ownership of property,

ccc. 'Der Gegensatz [zur Natur] ist nothwendig, als in der Natur ursprünglich gegründet. Die Natur aber ist selbst nur der Wiederschein oder die ewige Sphäre der Vernunft. Der Gegensatz ist also zuletzt wieder in der Vernunft selbst gegründet, und hört überall wieder auf zu gelten als ein bloß äußerer und vom Geiste unabhängiger. Wie er auch erscheinen möge, der Geist ordnet sich ihn unter, und bestimmt ihn nach seinem Gesetz. Aus dem bloß äußern, zufälligen, den Geist verwirrenden, ist er ein innerer, gemäßigter, vom Geiste selbst erkannter geworden. So ist er aufgehobener Gegensatz, oder Harmonie. Er ist von der Endlichkeit unzertrennlich, oder vielmehr die Endlichkeit, das bestimmte Daseyn, selbst, welches man daher auch als die Art zu seyn des Unendlichen (oder rein Geistigen) erklären kann.' *Ibid*., 10

ddd. 'Es ist ein Vertrag des (unsterblichen) Volkes *mit sich selbst*, ein Ausdruck seines allgemeinen, seine Verhältnisse ordnenden, mit sich selbst nun *einigen Gedankens*. Volk und Obrigkeit sind hier nicht als zwei, von einander unabhängige und sonst getrennte, *Contrahenten* zu betrachten. Sie bilden vielmehr eine wesentliche und ursprüngliche Einheit, wie dies besonders von Hegel . . . trefflich und tief erörtert ist'. Von Berger, 'Ueber Zweck und Wesen der bürgerlichen Gesellschaft', 26

income, public business, office, standing or trade.[77] In the very next sentence, however, von Berger returns to his original concepts and ideals, which he integrates into this Hegelian-style text by means of his own, equally clear, demand for external freedoms. 'The *more essential* characteristics of the voters are the inner ones, such as a respectable character and a certain level of education and *maturity* [*Mündigkeit*, Kant's term] of judgement. These, of course, are dependent on the external conditions of one's own free existence etc.'[eee] Hegel's logical and conceptual rigour seems to have freed von Berger from the conceptual and linguistic mysticism of his harmonising nature philosophy, and allowed him to rediscover the old Kantian human and educational ideals by turning to large political and social themes.

The concept of education cannot be ignored here either. Already in his first essay for the *Kieler Blätter* there is no lack of references to the free development of the individual, who 'as a freely determined harmoniously rational being,' should 'assert and develop powerfully his individuality or *autonomy*, *as he has recognised it ideally should be*'.[fff] In his second essay, von Berger connects education to politics: 'because the state . . . must be understood as an association for the purpose of attaining humanity or spiritual freedom, it is its necessary task and higher obligation to lead its citizens, who are at first, in many cases, immature [*unmündig*] and lacking in independent judgement, to that autonomy which is the soul and ideal essence of the state. Every citizen should belong to the state only as a member judging and willing for himself.'[ggg] The notion of education into humanity is also present in the third volume of the *Allgemeine Grundzüge zur Wissenschaft*. According to the second main section, entitled 'On the Genesis of Humankind, and the Origin of Language and Culture', 'the whole infinite organism of nature must be understood as in a state of becoming' – and the human species raised itself up above all others 'most perfectly and freely', on the one hand through the 'instinct for the highest', which is present in nature, and, on the other hand,

eee. 'Die *wesentlicheren* Eigenschaften des Wählers sind überhaupt die inneren, die eines unbescholtenen Charakters, und einer gewissen Bildung und *Mündigkeit* des Urtheils. Diese hängen nun freilich wieder von den äußeren Bedingungen einer eignen freien Existenz u.s.w. ab.' *Ibid*., 53–4

fff. '[A]ls eine frei bestimmte Harmonie des Vernunftwesens überhaupt . . . seine Individualität oder *Selbstständigkeit*, *wie er sie in der Idee erkannt hat*, kräftig behaupten und ausbilden soll'. Von Berger, 'Ueber Volks-Eigenthümlichkeit', 11

ggg. '[W]eil der Staat . . . als eine Verbindung zur Humanität oder zur geistigen Freiheit gedacht werden muß, so ist es seine nothwendige Aufgabe und seine höhere Pflicht, seine Bürger, die fürerst zum Theil unmündigen und des eignen Urtheils entbehrenden, zu jener *Autonomie*, die des Staates Seele und ideales Wesen ist, zu erziehen und zu bilden. Jeder Bürger soll dem Staat nur als ein selbsturtheilendes und wollendes Mitglied angehören.' Von Berger, 'Ueber Zweck und Wesen der bürgerlichen Gesellschaft', 25

through the 'social instinct'; for it is only 'amongst other humans' that a human 'can become human'.[hhh] This development, which is driven by the process of individuation, gets its meaning and value from the concept of the realisation of humanity in individuals, which must be the goal of education – of 'the teachers and educators leading the rest to humanity'.[iii]

Hegel is also present in a central section of the second volume of von Berger's *Allgemeine Grundzüge zur Wissenschaft*. In the introductory section, on the relation between being and thought (as Trendelenburg would later call it),[78] or (as von Berger expressed it) on the 'general system of knowledge, with a retrospective view of earlier investigation' (by which he means the first volume, of 1817), he describes the 'system of knowledge' as an 'organic formation . . . in which all parts and functions are determined and unified by the soul of the whole'.[jjj] He is concerned with 'the general life of *Geist* and of nature in its eternal rhythm of the unifying and reconciling of opposites, harmony, the beginning, the middle and the culmination'.[kkk] Von Berger points out the 'dominance of that form', the dialectic, 'in certain brilliant schools of antiquity', but also 'Hegel, whom we follow here' had 'used it and demonstrated its vitality'.[lll] Through the 'three moments: the *logical*, the *physical*, and the *ethical*' as well as through the activity of the mind, a philosophical system pursues the development of knowledge and existence, but must not lose sight of 'the higher organic unity and internal connection' in doing so: 'We see *Geist* developing and ordering its inner world, and then destroying its creations in order to rejuvenate that immortal nature within it in higher and freer forms, and so to bring its finite, ever-growing, system of thought ever closer to that eternal nature which is the reflected Idea of the immortal World Spirit.'[mmm] But knowledge is nevertheless 'in an even higher

hhh. 'Der ganze unendliche Organismus der Natur ist als ein werdender zu denken . . . am Vollkommensten und Freisten . . . *Trieb* nach Oben . . . *Geselligkeitstrieb* . . . *nur unter Menschen selbst* auch zum Menschen gebildet'. Von Berger, *Allgemeine Grundzüge zur Wissenschaft* III: *Zur Anthropologie und Psychologie*, 306–7

iii. '[D]ie Lehrer und Erzieher der übrigen zur Humanität'. *Ibid.*, 309

jjj. 'System der Wissenschaften überhaupt . . . organischen Bildung . . . in welcher alle Theile und Functionen durch die Seele des Ganzen bestimmt und geeinigt sind'. Von Berger, *Allgemeine Grundzüge zur Wissenschaft* II: *Zur philosophischen Naturerkenntniß*, 1

kkk. '[D]as allgemeine Leben des Geistes und der Natur in seinem ewigen Rhythmus einer Einigung und Versöhnung des Entgegengesetzten, die *Harmonie*, der Anfang, die Mitte, die Vollendung'. *Ibid.*, 5

lll. 'Hegel, dem wir hierin folgen [habe] sie geltend gemacht und ein reiches Leben in ihr darzustellen gewußt'. *Ibid.*

mmm. 'Wir sehen ihn [*den Geist*] seine innere Welt bilden und ordnen, und seine Schöpfungen alsbald auch wieder zerstören, um das unvergängliche Wesen in ihnen in ewig höheren und freieren Bildungen zu verjüngen, und so sein werdendes, endliches Gedankensystem dem ewigen der Natur, als der reflektirten Idee des unendlichen Weltgeistes, in steter Entwicklung näher zu bringen'. *Ibid.*, 2–3

sense than Existence or Nature, an infinite *development*, everywhere determinate, to be sure, but at the same time continuous'.[nnn] Goal and method correspond then to some extent with those of Hegel, but there remains a decisive difference, which von Berger does not highlight as such, but which cannot go unremarked in the light of Trendelenburg's well-known criticism of Hegel for beginning the dialectical process in pure thought, which presupposes from the start the concept of movement.[79] If we were to 'seek to arrange the whole of knowledge such' that we said: '*first*, *Geist* was pure thought, *second*, that it found itself *alienated* from and in opposition to itself as a natural being, *third*, that it *returned to itself*, determining Nature within itself and destroying the opposition' and if we then thereby produced 'the three major branches of philosophy (which we could call, roughly, *logic*, *physics* and *ethics*) . . . then we would still have to remember that this comprehensive idea contains truth only in virtue of its totality, that in each of the three distinct parts the *whole* must reflect itself in some way, and – that the *sequence* of the parts might be different from what it is, without damaging the truth of the whole'.[ooo] 'For in the realm of philosophical knowledge it is everywhere the same spiritual unity that is the starting point: this or the whole is in it present, as force or capacity, in the individual parts also, whether as an *element* (hidden, primordial) or as a swelling germ which, at first tender and undeveloped, nevertheless contains within itself *in potentia* the entire riches of its future shape.'[ppp] Trendelenburg's later criticisms of Hegel in his *Logische Untersuchungen*, making use of the Aristotelian concepts of movement and soul, seem to be prefigured in these words.

Translated by Ian Jennings

nnn. '[I]n einem noch höhern Sinn als das Daseyn oder als die Natur eine unendliche, zwar überall bestimmte, zugleich aber auch stetige *Entwickelung*'. *Ibid*., 3

ooo. '[D]as Ganze des Wissens etwa so anzuordnen versuchten . . . der Geist sey *zuerst* denkend ganz nur in sich, *zweitens* finde er sich als Naturwesen sich selbst wie *entfremdet* und mit sich selbst in Widerspruch, *drittens* kehre er, die Natur in sich bestimmend und den Widerspruch vernichtend, *in sich selbst zurück* . . . drei Hauptsphären der Philosophie (die wir kurz *Logik*, *Physik* und *Ethik* bezeichnen könnten) hervorgehen . . . so müßten wir uns hiebei doch zugleich auch daran erinnern, wie jene umfassende Idee eben nur in ihrer Totalität Wahrheit habe, wie in jedem der drei unterschiedenen Theile immer wieder auf gewisse Weise der *ganze* Gedanke sich spiegeln müsse, und – wie die *Folge* der Theile auch wohl eine andere seyn könnte, unbeschadet der Wahrheit des Ganzen'. Von Berger, *Zur philosophischen Naturerkenntniß*, 3–4

ppp. 'Denn in der philosophischen Erkenntniß bleibt es ja überall *dieselbe geistige Einheit*, von welcher ausgegangen wird; diese oder das Ganze ist in ihr, der Kraft und Anlage nach, auch im Einzelnen schon gegenwärtig, als *Element* (verborgenes, Uranfängliches) oder als schwellender Keim, welcher, zuerst noch zart und unentwickelt, dennoch den ganzen Reichthum der künftigen Gestalt der Möglichkeit nach schon in sich trägt.' *Ibid*., 4

Notes

1. See E. Bratuscheck, *Adolf Trendelenburg* (Berlin: Henschel, 1873), 17–32, especially concerning Reinhold, 18–20, and von Berger, 20–4.
2. On Trendelenburg's schoolteacher see, *ibid.*, 5–11, and F. Breier, *Georg Ludwig König: einige Worte der Erinnerung an den Verewigten von einem seiner Schüler* (Oldenburg: Ferdinand Schmidt, 1849).
3. See also the biography of the family written by his son Friedrich: F. Trendelenburg, *Geschichte der Familie Trendelenburg für Kinder und Enkel* (Halle an der Saale: Buchdruckerei des Waisenhauses, 1921), 124.
4. F. A. Trendelenburg, *Platonis de ideis et numeris doctrina ex Aristotele illustrata* (Leipzig: Vogel, 1826). See, amongst others, Bratuscheck, *Adolf Trendelenburg*, 49–58.
5. On Trendelenburg's being called to Berlin see *ibid.*, 75–6 and 83.
6. See, amongst others, H. Bonitz, 'Zur Erinnerung an Friedrich Adolf Trendelenburg: Vortrag gehalten am Leibniztage 1872 in der Königlichen Akademie der Wissenschaften', in *Abhandlungen der Königlichen Akademie der Wissenschaften zu Berlin 1872* (Berlin: F. Dümmler, 1872), 14 and 24.
7. See, for example: F. Paulsen, *Die deutschen Universitäten und das Universitätsstudium* (Berlin: Asher, 1902), 243, but also E. Feldmann, *Der preußische Neuhumanismus: Studien zur Geschichte der Erziehung und Erziehungswissenschaft im 19. Jahrhundert* (Bonn: Friedrich Cohen, 1930), I, 3–65 and 117–39.
8. Also worth considering in this connection, apart from Trendelenburg's *Logische Untersuchungen* (Berlin: Bethge, 1840; further editions: 1862 and 1870, which is quoted here), is his treatise *Naturrecht auf dem Grunde der Ethik* (Leipzig: Hirzel, 1860, 1868).
9. Trendelenburg also attended Steffens' lectures on natural philosophy in the winter of 1824, and these left a deep impression on him. See Bratuscheck, *Adolf Trendelenburg*, 47–8.
10. Trendelenburg, 'Der Widerstreit zwischen Kant und Aristoteles in der Ethik', 201.
11. See here in addition to the significant title of the treatise on natural law ('*auf dem Grunde der Ethik*') his short piece *Die sittliche Idee des Rechts* from the year 1849, which appeared immediately after the disappointing failure to achieve national unity, a cause which Trendelenburg had supported in his capacity as a deputy in the state parliament.
12. Antonia Ruth Weiss describes Trendelenburg as a moderate liberal thinker, who nevertheless did not allow himself to be identified with any of the classical varieties of liberalism and conservatism, and who attempted to resist the legal positivism which had become increasingly influential in his time (see A. R. Weiss, *Friedrich Adolf Trendelenburg und das Naturrecht im 19. Jahrhundert* (Kallmüntz: Lassleben, 1960), 2, 15–20, 42–3, 72–5, 79–109).
13. See here, amongst others, Bratuscheck, *Adolf Trendelenburg*, 92: 'Educational practice was for him the most important and far-reaching application of ethics, and not only in the narrow sense of the doctrine of the training of the will – but also in the methodological sense.'
14. This excerpt from the *Organon* appeared as a preparatory didactic aid for the teaching of philosophy in Latin in 1836 and in German in 1842 (*Erläuterungen zu den Elementen der aristotelischen Logik: zunächst für den Unterricht in Gymnasien* (Berlin: 1842; 2nd edn 1861)).
15. One example, amongst many, would be von Berger's much stronger emphasis on religious and divine moments in his organicist philosophy of nature. Trendelenburg distinguished

more decisively between philosophy and religion than von Berger in ways that space does not permit any more than a hint of here. See here chapter 22 of the *Logische Untersuchungen*: 'Das Unbedingte und die Idee' (*Logische Untersuchungen* II, 461–510).

16. On the socially conditioned meaning of concepts like 'culture' and 'morality' for the aspirational, emancipation-oriented bourgeoisie in Germany, see N. Elias, *Über den Prozeß der Zivilisation: soziogenetische und psychogenetische Untersuchungen* I: *Wandlungen des Verhaltens in den westlichen Oberschichten des Abendlandes* (Frankfurt am Main: Suhrkamp, 1997), 89–131.
17. The evaluation of von Berger's writings in the following account seeks consciously to focus on those moments and works of his which are less accessible, or which have attracted less attention in the relevant literature.
18. The most comprehensive source on von Berger's life is his biographer Henning Ratjen: *Johann Erich von Bergers Leben*, *mit Andeutungen und Erinnerungen zu 'Johann Erich von Bergers Leben' von J. R.* (Altona: Hammerich, 1835), esp. 5–8.
19. See Ratjen, *Johann Erich von Bergers Leben*, 8, and the recollections of Rist, *ibid.*, 65.
20. See *ibid.*, 8.
21. See *ibid.*, 9.
22. See C. E. Carstens, 'Niemann, August Christian', in *Allgemeine Deutsche Biographie* XXIII (Leipzig: Duncker & Humblot, 1886), 673–4.
23. J. E. von Berger, 'Ueber das Gesindewesen, besonders in sittlicher Ruecksicht', *Schleswig-Holsteinische Provinzialberichte*, ser. VIII , 1, no. 2 (1794), 113–62.
24. Von Berger, 'Ueber das Gesindewesen', 114: 'every institution in society' must 'encourage the ethical education of the human race' and every 'effort of active humanitarians' must aim at 'influencing the ethics of their fellow citizens'.
25. See also *ibid.*, 131 and 160.
26. The terms 'knowledge' and 'spiritual powers' are used quite deliberately here. The sharing of material goods was to be governed by the contractually regulated agreements in which 'disproportionate payments' were to be avoided, given that they have a corrupting effect, and where restraint in spending on one's own diversions was also to be exercised (*ibid.*, 143–4).
27. 'The human race is in every circumstance free and ethical, there are virtuous and vicious people in every class. Everywhere there is enlightened understanding and encouragement to virtuous desire' (*ibid.*, 154).
28. 'Because our complaints are about moral evils' (*ibid.*, 123). Von Berger defines the '*Vertrag zwischen Herrn und Diener*' (contract between master and servant) in terms of the ethically charged legal concept of '*Contractus bonae fidei*' (*ibid.*) and remains sceptical about politico-legislative solutions ('The state does not offer much help' (*ibid.*, 124)); and because so much of *domestic* concern escapes the gaze of the police and the justice system he held legal resources such as the 'Gesindeordnungen' (Servant Statutes), amongst others, to be 'impractical' and at best a 'makeshift solution' to prevent greater evils (*ibid.*, 125).
29. I. Kant, *Beantwortung der Frage: was ist Aufklärung?*, in *Kant's gesammelte Schriften*, ed. Königlich preussische Akademie der Wissenschaften (Berlin: W. de Gruyter, 1900–) (hereafter *GS*), VIII, 35.
30. I. Kant, *Kritik der praktischen Vernunft*, in *GS* V, 161–2.

31. 'One day – and this time must come – one day the mild but firm sceptre of the rule of reason will be the only sceptre' (*ibid*.). But the 'hopes of future generations' rest on enlightenment, education, and training: 'Pure ethical teaching, true religion' against 'irrational dogmas' – 'superstition and darkness' will one day give way to 'religion, this beautiful daughter of morality' (*ibid*., 129–30).
32. See J. G. Herder, *Ideen zur Philosophie der Geschichte der Menschheit* (Carlsruhe: Christian Gottlieb Schmieder, 1790), vol. I (1784), bk 4, 335; vol. II (1790), bk 9, 251–65; vol. III (1790), bk 15, 363ff., 372, 379, 407, 414.
33. See here, amongst others, I. Kant, *GS* VIII, 18, 20f., 35; VII, 84.
34. See Ratjen, *Johann Erich von Bergers Leben*, 10–11, but also F. Marwinski, *'Wahrlich, das Unternehmen ist kühn . . . ': aus der Geschichte der Literarischen Gesellschaft der freien Männer von 1794/99 zu Jena* (Jena: Academica & Studentica Jenensia e. V., 1992), 16, according to which von Berger matriculated in Jena on 11 November 1793.
35. On the rally in sympathy with Reinhold see E. Reinhold, *Karl Leonhard Reinholds Leben und literarisches Wirken* (Jena, 1825), 70–1, but also the anonymous article, 'Aus einem Briefe von Jena, über Reinholds Abgang nach Kiel', in the periodical *Der Genius der Zeit* 2 (May–August 1794), no. 6 (June 1794), edited by August Hennings (Altona: Hammerich, 1794), 245–54.
36. See Ratjen, *Johann Erich von Bergers Leben*, 14.
37. See Marwinski, *'Wahrlich, das Unternehmen ist kühn . . . '*, 17: 'The two concurred in their views on the meaning of the French revolution, in their ideas on the contemporary moral influence of Kantian philosophy, and in that optimism, peculiar to the Enlightenment, which held that once conditions are seen to be capable of improvement, they can in fact be changed if the necessary energy is found.'
38. Although there were similar such societies prior to this date, the minuted anniversary celebrations one year later suggest that this was a first establishment (see *ibid*., 11, but also P. Raabe, 'Das Protokollbuch der Gesellschaft der freien Männer in Jena 1794–1799', in H. W. Seiffert and B. Zeller (eds.), *Festgabe für Eduard Berend zum 75. Geburtstag am 5. Dezember 1958* (Weimar: Hermann Böhlau, 1959), 336–83, esp. 357–8). 'These groups ran the gamut from the philosophical circle of the students of Fichte to a Jacobin-style revolutionary league via an elite literary-aesthetic circle of friends of early Romanticism and republican aligned, well-organised student societies for political reform. Instances of all these facets can be found in their history.' (Marwinski, *'Wahrlich, das Unternehmen ist kühn . . . '*, 8–9). Fichte apparently attended a function of the *Gesellschaft* just once, on 4 September 1794, when von Breuning spoke on the subject of the secret societies (see *ibid*., 16–17 and 31; as well as Raabe, 'Das Protokollbuch', 350). Marwinski remarks, on the subject of Reinhold, that the idea of such a society was in circulation prior to Fichte's arrival in Jena (18 May 1794), and that many of the founding members, including von Berger, were pupils of Reinhold.
39. Marwinski, *'Wahrlich, das Unternehmen ist kühn . . . '*, 20–4; C. Jamme, 'Geselligkeit und absolutes Sein: Weisen des Anschlusses an Fichte im Umkreis der "Freien Männer"', in M. Bondeli and H. Linneweber-Lammerskitten (eds.), *Hegels Denkentwicklung in der Berner und Frankfurter Zeit* (Munich: Fink, 1999), 395–428, at 397.
40. Marwinski, *'Wahrlich, das Unternehmen ist kühn . . . '*, 10.

41. See the graph indicating the length of various memberships of the Society in *ibid.*, 82. Raabe gives the following dates for his membership: from the founding up to 30 September 1794, from 26 June up to August 1795, from 1 November 1797 up to 21 March 1798 (Raabe, 'Das Protokollbuch', 379).
42. See J. G. Fichte, 'Einige Vorlesungen über die Bestimmung des Gelehrten', in *Gesamtausgabe der Bayerischen Akademie der Wissenschaften*, ed. R. Lauth and H. Jacob assisted by R. Schottky (Stuttgart-Bad Cannstadt: Frommann-Holzboog, 1962–2012) , I/3, 1–74, esp. 33–42.
43. See here Marwinski, '*Wahrlich, das Unternehmen ist kühn . . .*', 31, as well as Raabe, 'Das Protokollbuch', 350.
44. See here Breuning's letter to Herbart of 29 October 1795 from Mergentheim (*Briefe von und an J. F. Herbart*, in J. F. Herbart, *Sämtliche Werke* XIX, edited by T. Fritzsch (Langensalza, 1912), no. 711, 69, cited by Marwinski, '*Wahrlich, das Unternehmen ist kühn . . .*', 32); also Raabe, 'Das Protokollbuch', 351 and 358–9.
45. See Marwinski, '*Wahrlich, das Unternehmen ist kühn . . .*', 38–40. What remains is a non-hierarchically organised society, which is arranged so as to prevent any particular individual from having too great an influence: 'von Berger and his party had developed a thoroughly utopian conception of society, which depicts individuals as acting responsibly and independently and which rejects all paternalism' (*ibid.*, 38).
46. *Ibid.*, 7; unlike the *Gesellschaft*, with which it was often equated, the 'Bund der freien Männer' (Association of Free Men) was not wedded to any fixed organisational form. See also D. Klawon, 'Geschichtsphilosophische Ansätze in der Frühromantik' (Inaugural Dissertation, Johann Wolfgang von Goethe Universität, Frankfurt am Main, 1977), 180, and W. Flitner, *August Ludwig Hülsen und der Bund der Freien Männer* (Inaugural Dissertation Jena, Naumburg: Gottfried Pätz, 1913), 12: 'a genuine cult of friendship'.
47. For a treatment of these two texts in greater depth than is possible here see particularly Jamme, 'Geselligkeit und absolutes Sein', 402–8, which reveals, amongst other things, the 'parallelisms' between the principal ways of thinking in the writings of von Berger and 'those of Hölderlin and above all the young Hegel', with special reference to their common criticism of 'the end of the emancipatory phase of the enlightenment' in the light of 'Herder's concept of national education' and the demand for the '*application* of Kantian and Fichtean philosophy' (*ibid.*, 404–5).
48. In using the term 'vertraulich' rather than 'geheim' von Berger is taking a clear position with regard to the student societies and the events surrounding the continuation of Fichte's *Lectures on the Vocation of the Scholar* in the winter semester 1794/5.
49. See on this subject as well J. E. von Berger, 'Ueber die vorhergehenden Bedingungen einer verbesserten Nationalerziehung', *Genius der Zeit* 6, no. 2 (1795), 266–318, at 313.
50. See here especially R. Lassahn, *Studien zur Wirkungsgeschichte Fichtes als Pädagoge* (Heidelberg: Quelle & Meyer, 1970), 50–5.
51. For a differentiation of his conception of freedom see the concluding footnote in von Berger, *Die Angelegenheiten des Tages*, 76–8.
52. On Hülsen see also the biographical sketch in F. Strack and M. Eicheldinger (eds.), *Fragmente der Frühromantik* (Berlin: De Gruyter, 2011), II, 503–6, in vol. I of which are found extracts from Hülsen's unpublished philosophical fragments. See also A. Schmidt, *Fouqué*

und seine Zeitgenossen: biographischer Versuch (Zurich: Haffmanns, 1987), 148–9, on von Berger's relations with Hülsen and the sojourn in Switzerland.

53. See Rist, in Ratjen, *Johann Erich von Bergers Leben*, 22 and 66, as well as Strack and Eicheldinger (eds.), *Fragmente der Frühromantik*, II, 504–5.
54. See Rist in Ratjen, *Johann Erich von Bergers Leben*, 22–3: their plans are to take effect 'through writings which are free of any educational pressures'. Von Berger would not publish anything more until 1800.
55. See *ibid.*, 21.
56. During this time Fichte informed von Berger in a letter of 11 October 1796 (cited in *ibid.*, 21) that, in his absence, together with Hülsen, Smidt, the court chaplain Schulz in Königsberg, and Klopstock in Trieste, as the uncle of Fichte's wife, he had been named godfather of Fichte's son Immanuel Hermann, who had been born on 18 July.
57. See *ibid.*, 25.
58. See *ibid.*, 24.
59. See *ibid.*, 28 and 30.
60. See Rist, in *ibid.*, 75–8.
61. See Ratjen, *Johann Erich von Bergers Leben*, 30. There was an agricultural training institute, headed by Lucas Andreas Staudinger, on the smallholding of the Hamburger merchant Caspar Voght. See G. Ahrens, *Caspar Voght und sein Mustergut Flottbek: englische Landwirtschaft in Deutschland am Ende des 18. Jahrhunderts* (Hamburg: Christians, 1969).
62. J. E. von Berger, 'Briefe über die Natur', *Mnemosyne: eine Zeitschrift*, no. 1 (Altona: Hammerich, 1800), 6–58.
63. Trendelenburg wrote as early as his 'Geschichte der Kategorienlehre' (in *Historische Beiträge zur Philosophie*, I (Berlin: Bethge, 1846), 202) of 'a tendency of the individual sciences towards the general' which would 'complete philosophy' and 'continue and deepen the whole at a fundamental level'.
64. See Ratjen, *Johann Erich von Bergers Leben*, 32–3.
65. *Ibid.*, 33; see also Strack and Eicheldinger (eds.), *Fragmente der Frühromantik*, 506. The circle comprised Friedrich de la Motte Fouqué, Nicolaus von Thaden and Erich Scheel von Rosenkrantz, the latter a member of the Gesellschaft in the spring and summer of 1795.
66. 'Divine knowledge (Philosophy) proclaimed itself directly in enthusiastic tales and songs' (J. E. von Berger, *Philosophische Darstellung der Harmonien des Weltalls* I: *Allgemeine Blicke* (Altona: Hammerich, 1808), xxx). 'The distinction and opposition between philosophy and poetry . . . has always seemed to us a poorly-told tale from the life of the spirit' (*ibid.*, xiii).
67. See von Berger, *Philosophische Darstellung der Harmonien des Weltalls*, xxxvi f. See also Ratjen, *Johann Erich von Bergers Leben*, 34–5.
68. See *ibid.*, 37.
69. See *ibid.* See also I. Möller, *Henrik Steffens*, trans. H. E. Lampl (Stuttgart: Verlag Freies Geistesleben, 1962), 133–43.
70. See H. Steffens, *Was ich erlebte: aus der Erinnerung niedergeschrieben* v (Breslau: Joseph Max, 1842), 272–3. See also the letter of October 1807, cited in Ratjen, *Johann Erich von Bergers Leben*, 38.
71. See Fichte, *Einige Vorlesungen über die Bestimmung des Gelehrten*, 40.

72. See Ratjen, *Johann Erich von Bergers Leben*, 38–9 and 42.
73. He was named rector of the university for the first time in 1821, and died shortly after the beginning of his second period of office in 1833. See Ratjen, *Johann Erich von Bergers Leben*, 81.
74. *Ibid.*, 43.
75. J. E. von Berger, 'Ueber Volks-Eigenthümlichkeit und den Gegensatz zwischen den mehrern Völkern', *Kieler Blätter* 1 (Kiel: Verlag der academischen Buchhandlung, 1816), 1–52; 'Ueber Zweck und Wesen der bürgerlichen Gesellschaft und über die Entwicklung ihrer Formen', *Kieler Blätter* 2 (Hamburg: Perthes und Besser, 1819), 1–64.
76. J. E. von Berger, *Ueber den scheinbaren Streit der Vernunft wider sich selbst besonders in Religionssachen: ein Beitrag zur Verständigung* (Altona: Hammerich, 1818); *Allgemeine Grundzüge zur Wissenschaft* I: *Analyse des Erkenntnisvermögens oder der erscheinenden Erkenntniß im Allgemeinen* (Altona: Hammerich 1817); II: *Zur philosophischen Naturerkenntniß* (Altona: Hammerich, 1821); III: *Zur Anthropologie und Psychologie: Grundzüge der Anthropologie und der Psychologie mit besonderer Rücksicht auf die Erkenntnis- und Denklehre* (Altona: Hammerich, 1824); IV (final volume): *Zur Ethik, philosophischen Rechtslehre und Religionsphilosophie: Grundzüge der Sittenlehre der philosophischen Rechts- und Staatslehre und der Religionsphilosophie* (Altona: Hammerich, 1827).
77. See Berger, 'Ueber Zweck und Wesen der bürgerlichen Gesellschaft,' 53–4: the 'intelligent power of citizens will be immediately made use of on matters of common interest' by means of 'good communal constitutions' which are more than mere 'corporations or guilds' and so a stable basis will be created 'for the entire society' – thus securing what he believes to be Hegel's anti-atomistic goals.
78. See, for example, Trendelenburg, *Logische Untersuchungen* I, 132–3.
79. See the chapter 'Die Dialektische Methode', in Trendelenburg, *Logische Untersuchungen* I, 36–129.

6

The concept and philosophy of culture in Neo-Kantianism

Stephan Nachtsheim

Neo-Kantianism represents a third strain of modern Idealism, following Kant's transcendental and Hegel's absolute Idealism. It understood itself as a form of cultural-philosophical idealism and was the dominant academic philosophy in the German-speaking world from 1870 to 1920, indeed 'the only philosophy of world significance'.[1] People came from all over the world to study it, in both of the main schools, the Marburg school of Cohen, Natorp and Cassirer, as well as the south-west German school of Windelband, Rickert, Lask, Cohn and Bauch.[2] Although it was by no means united in its substantive positions, it was held together by a basic framework and represented a new and highly promising type of philosophy. The basis of its predominance was an interpretation of Kant that addressed contemporary problems, and a further development of Kant's ideas that envisaged the working out of philosophical problems in all fields.

Back to Kant

The return to Kant entailed a desire for an idealism that differed from post-Kantian systems and was free from their encumbrances, and the search for a new foundation for a systematic philosophy that the decline in Hegelianism had discredited. It was above all in the natural sciences that systematic philosophy had been discredited, and where there was a strong anti-philosophical resentment.[3] Idealism's speculative flights of fancy, its devaluation of the empirical, Hegel's philosophical claim to have presented the knowledge contained in the individual natural and human sciences scientifically (i.e. philosophically) had aroused protest in those sciences. Especially his philosophy of nature,[4] but increasingly too his

philosophy of history and art were seen by representatives of the specialist positive sciences as an assault.[5] Hegel's philosophy was seen as scientifically inadmissible.

The sciences threw off what they saw as the yoke of Hegelian philosophy and the presumptuous claims of Idealism, whose basic questions appeared resolvable into a complex of problems within individual empirical disciplines. Every philosophical appeal to foundational questions contained the whiff of a reversion to the despised Hegelian dialectic. The age replaced the totality of the great systematic constructions with the mass of data that the natural and human sciences had painstakingly collected. The totality of nature and the totality of history seemed finally to be a matter of empirical research. The flights of fancy of philosophical thought were dissolved by what Windelband called 'devotion to the small'.[a,6]

This was much more than the emancipation of the individual disciplines from philosophy, for it denied philosophy its role as the basis for the positive sciences, and led systematic philosophy into a crisis of legitimation. Philosophy saw in great historical works its own glorious past or assimilated itself to the successful empirical sciences. Several varieties of empiricism and positivism appeared, all of which classified a priori knowledge as metaphysics and thereby unscientific. These scientific doctrines were, to be sure, initially the work of natural scientists, but they increasingly influenced philosophy.

In the eyes of the early neo-Kantians, post-Kantian German Idealism had been a mistake, its demise after Hegel understandable. It could offer no basis, therefore, for the development or even renewal of philosophy. This certainly did not mean that individual ideas of Fichte or Hegel were of no use. However, the post-Kantians had reinterpreted Kant's critical idealism as a form of absolute idealism. They therefore believed it necessary to challenge the competence of the non-philosophical sciences and to overcome Kant's critical restriction of the scope of philosophical reason. In the words of Ernst Cassirer,

> But those who followed systems of thought immediately after Kant, and believed themselves with their systems directly in line with him, actually did not follow in his footsteps. They did not see in his transcendental formulation of the problem a sure means for

a. 'Andacht zum Kleinen'. Wilhelm Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts* (2nd edn, Tübingen: J. C. B.Mohr (Paul Siebeck), 1909; repr. edn, Eschborn: Dietmar Klotz, 1996), 86

> determining the limits of pure reason but actually took it to be an instrument for freeing reason from all the restrictions formerly laid upon it . . . logic and dialectics were now no longer to be regarded as a mere organon for the knowledge of reality, but were thought to contain this knowledge in all its fullness and totality and to allow of its being made explicit. Herewith the realm of philosophic thought appeared to be fixed for the last time, and its goal attained, the identity of reality and reason.[7]

The system was to be not merely the foundation of knowledge, but also of transcendence and metaphysics.[8] The limits that transcendental-philosophical idealism had drawn around reason were, as the south-west German school put it, dissolved in Hegel's 'panlogism'.

The sharp rejection of metaphysics is a shared feature of neo-Kantianism – a point, moreover, on which it concurs with positivism. F. A. Lange, an important inspirer of the Marburg school, had described Hegel's system as a reversion to scholasticism, and all metaphysics as a form of madness. Otto Liebmann had strengthened the turn against absolute idealism in his early work *Kant and His Epigones* of 1865, in which the examination of the doctrines of Fichte, Schelling and Hegel closes with the famous sentence: 'and so one must return to Kant'.[b]

For as the neo-Kantians saw it, the way out of the crisis, and with it the rehabilitation of systematic philosophy, could not consist in standing absolute idealism on its head, nor yet in a retreat into the history of philosophy. What was required was a return back to before the absolute idealism that had caused the problem. Its transcendental-metaphysical baggage made it necessary to appeal to Kant's transcendental idealism, and his critique of metaphysics was brought into play against absolute idealism.

One aspect of this was the strict opposition between validity (*Geltung*) and being (*Sein*), based above all on the third volume of Lotze's *Logic*, and the thesis that all determination of being is grounded in the determination of validity, since all knowledge of being must be grounded in the principle of the validity of knowledge.[9] The strict separation of validity and being and the assignment of validity to philosophy, and of being to the individual sciences, was the basis for the critique of Hegelian Idealism and its concept of the absolute identity of subject and object.

b. 'Also muß auf Kant zurückgegangen werden', O. Liebmann, *Kant und die Epigonen: eine kritische Abhandlung* (1865), repr., ed. B. Bauch (Berlin: Reuther & Reichard, 1912), 96, 109

To be sure, the aim was not a simple exegesis of Kant, but to return to Kant in order to inaugurate a new development in philosophy which would be directly relevant to contemporary problems. This would be secured when philosophy regained its scientific character and provided a reliable epistemological basis for the individual sciences as Kant had done:

> we philosophers of the nineteenth century are all students of Kant. But our 'return' to him cannot take the form of a mere renewal of a historically determined figure who represents the idea of critical philosophy . . . to understand Kant means to go beyond him.[c]

Kant's theory provided the means with which to correct two things: firstly, endless speculation and the threat to the independence of the empirical sciences from an illegitimate expansion of the truth claims of philosophy; secondly, however, the temptation to ground the validity claims of empirical-scientific statements themselves in something empirical (e.g. psychological laws or anthropological constants). In this sense, for the neo-Kantians it was a question of regaining the autonomy of philosophy, of its proper object, domain and method.

To be sure, after 1870 there were numerous efforts to return to Kant: not only neo-Kantian ones, but also, on occasions such as anniversaries, popularisations that bordered on the grotesque.[10] What is peculiar to the neo-Kantian return is the effort to go beyond him. Kant's work was to be systematically developed with reference to the historical problems of the age.

> I regard many aspects of Kantian philosophy to have been scientifically superseded by post-Kantian thinkers, and precisely therein seems to lie Kant's greatness, in his not having created a system which one must either accept or reject wholesale. I see in critical philosophy the basis for further work that has already progressed a long way, and I believe that a true Kantian is one who seeks to develop and rework critical ideas. It is he alone who pursues science, which can only survive by progressive development.[d]

c. 'Wir alle, die wir im neunzehnten Jahrhundert philosophieren, sind die Schüler Kants. Aber unsere heutige "Rückkehr" zu ihm darf nicht die blosse Erneuerung der historisch bedingten Gestalt sein, in welcher er die Idee der kritischen Philosophie darstellte. Kant verstehen, heißt über ihn hinausgehen.' W. Windelband, *Präludien: Aufsätze und Reden zur Philosophie und ihrer Geschichte* I (8th edn, Tübingen: J. C. B. Mohr (Paul Siebeck) 1921), iv

d. 'Viele Teile der kritischen Philosophie halte ich durch die nachkantischen Denker für wissenschaftlich überholt, und gerade darin scheint mir Kants Größe zu liegen, daß er nicht ein System geschaffen hat, welches man in seiner Totalität entweder annehmen oder ablehnen muß.

Hermann Cohen wanted his famous 'Kant books',[11] which largely consisted of his own systematic propositions, to be seen as making Kant relevant once again: 'from the start my aim was the further development of Kant's system'.[e]

Nevertheless, the development of Kant through neo-Kantianism should be understood correctly. It was distinguished from developments in post-Kantian and contemporary idealism by its exclusive concern with the theme of validity.[12] This was what was common to and characteristic of the neo-Kantian schools. It matters little that the principle of validity was understood sometimes as the lawfulness of cultural consciousness (Marburg school), and sometimes as values (south-west German school).

According to Manfred Brelage, it was this that enabled neo-Kantianism 'in the face of widespread anti-philosophical resentment, and in a period of a positivistic restriction and reduction in the intellectual level of philosophy, to secure its independence vis-à-vis the positive sciences and simultaneously – albeit in a sharply reduced form – to reconnect with the major traditions of philosophy'.[13]

From epistemology to cultural philosophy

The first move was to adhere to the basic ideas of Kantian *epistemology* and work out principles for the determination of the validity of knowledge.[14] E. Zeller had already recommended epistemology as a way into Kant in his famous commentary of 1862.[15] Kuno Fischer's presentation of critical philosophy in 1860 should also be noted.[16] The renewal of Kant through epistemology had already been prepared by natural scientists who had fostered a new link between philosophy and the empirical sciences. It was above all Hermann von Helmholtz who recognised that the natural sciences required a philosophical clarification of their foundations and that there was much in Kant's philosophy that might provide it.[17] This neo-Kantian foundation for knowledge was directed against post-Kantian idealism, theoretical materialism, positivism and historicism.[18]

Ich finde vielmehr im Kritizismus die Grundlage für positive Weiterarbeit, die bereits weit fortgeschritten ist, und erst der wirkt meiner Überzeugung nach wahrhaft im Sinne Kants, der sich bemüht, die kritischen Gedanken auszugestalten und umzubilden. So allein treibt er Wissenschaft, die immer nur in fortschreitender Entwicklung leben kann.' Rickert, *Kant als Philosoph der modernen Kultur*, viii

e. 'Von vornherein war es mir um die Weiterbildung von Kants System zu thun.' H. Cohen, *System der Philosophie* I: *Logik der reinen Erkenntnis* (2nd edn, 1914), *Werke*, ed. Hermann-Cohen-Archiv am Philosophischen Seminar der Universität Zürich, under the direction of Helmut Holzhey VI (Hildesheim: Olms, 1987), vii

However, it would be a crude simplification to see neo-Kantianism merely as an epistemological movement back to Kant.[19] To be sure, the theme of validity was first worked out as a theory of the principles of the validity of knowledge: that is to say, as epistemology. However, after the end of the 1870s, following the first epistemological phase and the initial focus on the critique of knowledge, neo-Kantianism expanded its scope. It soon came to be about the determination of the validity not only of the theoretical, but also of the atheoretical (practical, aesthetic, religious) relationship between subject and object. Philosophy became cultural philosophy, as the main interest shifted to a comprehensive foundation for validity and norms. Neo-Kantianism now meant 'a critical science of generally valid values' as such.[f] For Heinrich Rickert, what Windelband and the Marburg school had in common was an appeal to Kant, the rejection of a metaphysics of things in themselves, and the attempt to extend philosophy from epistemology to a total philosophy of culture.[20]

This expansion of theme corresponded fully to the neo-Kantian conception of systematic philosophy. Precisely the systematic claims of philosophy made it necessary to go beyond an epistemology understood as science and to make the totality of culture the reference point for reflection on the theory of validity. The logic of the system of critical philosophy demanded that theoretical philosophy be extended not only to ethics but also to aesthetics (and possibly to religion).[21] According to Cohen the possibility of a systematic philosophy depended on this.[22] For as Natorp put it, the parts of the system stand in a complementary relationship: if they are necessary, they are necessary together.[23] In other words: the theoretical, the practical and the aesthetic are to be seen as the basic features of cultural consciousness, but that means as part of the definition of rational subjectivity, and therewith as something that is necessary to the humanity of human beings. Philosophy is, then, essentially – and in the classical neo-Kantian sense exclusively – the theory of validity.[24] The validity problem as such is the basic problem of philosophy. It should be understood that this does not mean that critique involves attributing to inherited values an autonomous and objective validity independent of human conceptions of them. Rather the question is always, irrespective of the degree of factual recognition that such inherited values might enjoy, of whether they can justifiably be granted universal recognition. It is also a question of whether they can be traced to natural grounds (as in evolutionary theory) or to psychological, sociological, economic, or historical ones.

f. '[K]ritische Wissenschaft von den allgemeingültigen Werten.' Windelband, *Präludien* 1, 29

The idea of validity, whether it is understood to mean the laws of cultural consciousness or values (norms), establishes the specific task of philosophy: the interpretation of culture from the point of view of validity. For it is only in culture that values are realised – or not. Windelband describes the task of neo-Kantian philosophy as a testing of 'thought, will, and feeling with the aim of a universal and necessary validity.'[g]

The neo-Kantians' turn to the philosophy of culture had not only internal, systematic reasons but also external ones. In 1860, for instance, a kind of happy conjuncture centred on the concept of culture had begun to emerge;[25] culture became an increasingly prominent theme of intellectual life. In this sense neo-Kantianism participated in a general tendency towards philosophical cultural criticism and cultural philosophy that was developed by Eucken, Simmel and others. This was encouraged by an increasing sense of crisis. Above all, an experience of alienation and loss of cultural coherence gave rise to a need for cultural renewal.[26] Indeed, the expansion of Neo-Kantianism into cultural philosophy had its own internal logic in an extended engagement with Kant, in the course of which his ethics and aesthetics had been rediscovered. Moreover, the return to Kant was expected to provide decisive guidelines for the solution of urgent cultural tasks.

Kant and the neo-Kantian concept of culture

However, it is by no means self-evident that the step towards cultural philosophy could legitimately claim to be taken in the name of Kant; certainly not, when one reflects that the neo-Kantians understood by cultural philosophy not a particular part of a system of philosophy, but philosophy as such. From about 1880, philosophy for them is cultural philosophy. Kant by contrast had neither seen his philosophy as cultural philosophy nor wanted it to be so understood.

Nevertheless, in 1924, on the bicentenary of Kant's birth, Rickert celebrated Kant as a philosopher of modern culture who had brought modern cultural consciousness to philosophical expression. Windelband emphasised the 'intimate relationship' between the principle of transcendental philosophy and the problems of cultural philosophy,[h] and wished to see the

g. '[D]aß sie das tatsächliche Material des Denkens, Wollens, Fühlens an dem Zwecke der allgemeinen und notwendigen Geltung prüft und daß sie das, was vor dieser Prüfung nicht standhält, ausscheidet und zurückweist.' Windelband, *Präludien* I, 27

h. ' [Die] . . . intime Verwandtschaft, die zwischen ihm und dem Problem der Kulturphilosophie besteht'. W. Windelband, 'Kulturphilosophie und transzendentaler Idealismus', in *Präludien* II, 286f.

fundamental principle of a 'synthesis according to the laws of "consciousness as such" on the basis of comprehensive, objectively valid forms of reason' applied to 'the practical and aesthetic conduct of cultural beings'. 'Therein lies the objective unity of transcendental idealism as of cultural philosophy'. For in all spheres the crucial issue was 'the creation of objects out of the laws of consciousness'.[i]

Curiously enough, the neo-Kantians made no use of Kant's definition of the concept of culture that appears in sections 82–4 of the 'Critique of Teleological Judgment'.[27] For them, such a teleological concept of culture was impossible. Thus Kant's understanding of culture as increasing cultivation gave way to an idea of culture as cultural goods defined according to criteria of validity. Kant's exemplary status for the philosophy of culture rested on the three critiques, and the concept of culture was discussed only with reference to the system of critiques: that is, with reference to the theory of the differentiation of forms of validity. For the neo-Kantians, it is solely the theory of validity, introduced into theoretical philosophy by Kant and then extended into atheoretical domains, that makes possible not only the philosophy of culture but also the science of culture.

The theory of validity and the concept of culture

Insofar as it reduces the philosophy of culture to the problematic of validity, neo-Kantianism doubtless simplifies and restricts the Kantian concept of culture. This judgement is unaffected by the fact that the neo-Kantians conceptualised the realisation of validity as the self-formation of the subject. Esoteric-sounding titles like 'domain of validity', 'direction of consciousness', 'cultural value' and so on refer to the necessary and complementary basic possibilities of the self-determination of the subject; they are conceived as basic possibilities in accordance with which humanity 'brings forth what is unique in the human being and raises it to ever higher levels',[j] and as perspectives in accordance with which human beings can interpret the meaning of their conduct.[28]

The philosophy of culture is defined in this way as a reflection on the principles which govern the validity of theoretical, practical and aesthetic

i. 'Erzeugung der Gegenstände aus dem Gesetz des Bewusstseins.' *Präludien* II, 287
j. '"Kultur": darunter verstehen wir die ganze gemeinsame Arbeit der Menschheit, in der sie das Eigentümliche des Menschentums selbst hervorbringt und immer höher hinaufbildet'. Natorp, *Philosophie: ihr Problem und ihre Probleme*, 25

accomplishments; these accomplishments are found in cultural objectivisations (science, morality, art). This is expressed in an understanding of philosophical method that is oriented towards culture. Important here is an understanding of the transcendental method, based on Kant's *Prolegomena*. Reflection on validity has to start from a factum, which is to be found in culture.[29] This is always the 'reality of a cultural or intellectual domain', or more precisely, it is the validity claim of all subjects, the claim to objective validity. Philosophy enquires about the right to make such claims, and thus about the conditions of validity of those judgements on behalf of which the claims are made. It finds thereby its object of analysis in culture and is in this sense a theory of culture.

The neo-Kantian theory of culture sees in culture – understood as the essence of the content and creations of cultural consciousness – a sphere of forms of meaning which can be discovered in their manifestations. But as a philosophy of culture it is a theory of consciousness. It appeals to a 'pure consciousness' (Marburg school) or 'normal consciousness' (Windelband). This concept of consciousness is based on Kant's 'consciousness as such'.[k] This is the subjectivity that remains when one abstracts the subject from its involvement in reality. The 'empirical' subject is a theme exclusive to the empirical sciences. Pure consciousness is nothing other than the foundation of validity. Windelband writes:

> this consciousness as such is thus a system of norms which are objectively valid and which should be subjectively valid too, but which in the empirical reality of human life are only partially so. It is according to these that the value of the real is determined.[l]

This concept of pure subjectivity was to immunise the foundations of validity against anthropologism, psychologism and naturalism.

By contrast, no foundational significance is attributed to the objective (including the objective features of the subject). For the object is determinate solely thanks to its being posited by consciousness. Philosophy then has as its theme a set of functions of consciousness (functions of reason): 'forms of validity'.

As a theory of consciousness cultural philosophy forms a systemic whole made up of three parts, each of which deals with a dimension of pure

k. 'Bewusstsein überhaupt.' Windelband, *Präludien* 1, 44

l. 'Dies "Bewusstsein überhaupt" ist also ein System von Normen, welche, wie sie objektiv gelten, so auch subjektiv gelten sollen, aber in der empirischen Wirklichkeit des menschlichen Geisteslebens nur teilweise gelten. Nach ihnen bestimmt sich erst der Wert des Wirklichen.' *Ibid*., 46

consciousness: logic, ethics and aesthetics. This systematic structure results from the specific way in which the Kantian philosophy is received by the neo-Kantian movement.

Even if neo-Kantian theory has numerous variants, the following is a list of what are generally (or at least mostly) accepted as the main features of its theory of validity.[30]

(1) The forms of validity are non-objective; they represent functions of pure (non-objective, non-psychological) consciousness.
(2) They concern at the same time both the object and its determination (as thought, wished for, aesthetically experienced). They represent the essence of transcendental principles, which make possible specific references to objects. They are also constitutive of the object. For every reference to an object there is a corresponding constitution of the object.
(3) Factual, theoretical, practical and aesthetic acts can succeed or fail, be valuable or valueless, valid or invalid; that is, they 'differ according to validity' and 'differ according to value'. Therefore forms of validity (the value or lawfulness of consciousness) represent *standards* and *norms* for the actual 'cultural conduct' of the subject. They imply the existence of an 'ought' (*Sollen*).
(4) Therefore, 'validity' is to be strictly separated from 'being'. Forms of validity and values are neither beings nor are they necessarily actualised as forms of being; they 'are valid'. Therefore, no science of the factual can have validity as its theme. Sciences of the factual, such as history or sociology, can only state what is empirically held to be valuable or valid.
(5) Reason finds principles of validity in itself. In so far as such principles can be found in the subject alone, reason remains autonomous.
(6) Since the principles of validity are those of a (pure) consciousness, they form a unity. The unity of culture is based on this unity, as also on the norms that are derived from such principles. To be sure, for neo-Kantianism there is a difference in value between cultural achievements, but no cultural relativism. There are universal standards of validity that apply to all cultures.
(7) The unity of the forms of validity is a differentiated unity. Taken together, the corresponding spheres of validity constitute a system. This system, whether it be thought open or closed, encompasses at least the theoretical, the practical and the aesthetic.
(8) The forms of validity cannot be reduced to one another (in this sense they are autonomous). Each form of validity is independent.

The idea of a differentiation of spheres of culture in classical neo-Kantianism (and its development by Cassirer) has often been criticised for assuming the existence of these spheres and the determination of their validity, and therefore not treating their differentiation systematically. One can therefore speak of the possibility of a value or validity positivism, which seen against the background of neo-Kantianism's basic claims would certainly be unfortunate. It may well be that the tradition of the great ideas of the true, the good and the beautiful (from time to time supplemented by that of the holy) is a settled one. But the basic neo-Kantian division of culture through an orientation to Kant's system of critiques and to the three corresponding forms of objective reference is certainly a prejudice: the 'cultural spheres' are science, praxis (morality and law) and art; religious belief appears occasionally and then as a derivative of morality. And when Windelband characterises 'the system of critique as a comprehensive cultural philosophy',[m] the threefold division of cultural philosophy (and of culture) is just as much emphasised as the possibility of conceptualising the unity and differentiation of culture on the basis of principles.[31]

According to Rickert, 'research, ethical life, art and belief' are neo-Kantianism's thematic fields. But taken together they are 'the specialist fields of a single human culture', and 'in this sense have something in common'. The philosophy of values is a theory of culture: 'but Kant set precisely this task everywhere, in his epistemology, his ethics, his philosophy of art, and in his theory of religion'.[n] Windelband makes it plain 'that the demonstration that the great spheres of culture were grounded in reason emerged from critique, the basic structure of science from the critique of pure reason . . . , the realm of ends in morality and law from the critique of practical reason and the metaphysics of morals erected on the basis of it, the nature of art and the aesthetic shaping of life from the critique of judgement: and only after all this could the question be asked of how many of those cultural values derived from pure reason could be contained in society's religious forms of life'.[o]

m. '[D]as System des Kritizismus als eine umfassende Kulturphilosophie', Windelband, *Präludien* II, 281

n. '[D]aß . . . die Forschung, das sittliche Leben, die Kunst und der Glaube, alle Sondergebiete der einen menschlichen Kultur sind und insofern etwas Gemeinsames haben'. 'Grade diese Aufgabe aber hat Kant sich überall, in seiner Wissenschaftslehre, seiner Ethik, seiner Kunstphilosophie und in seiner Theorie des religiösen Lebens gestellt.' Rickert, *Kant als Philosoph der modernen Kultur*, 7

o. '[D]aß als Ergebnis der Kritik überall der Aufweis der Vernunftgründe für die großen Gebilde der Kultur heraussprang, aus der Kritik der reinen Vernunft die Grundstruktur der

This clearly is a very narrowly philosophical concept of culture, indeed one restricted to the theory of validity and values, and excluding anything that is independent of human conception and cannot be validated. This brought complaints from outside neo-Kantianism. Competing movements such as *Lebensphilosophie* or the New Ontology of Nicolai Hartmann correctly sensed something was missing. And indeed, within neo-Kantianism (Cassirer) or at least critical philosophy (Hönigswald) the one-dimensional theory of validity was not adopted in the long term. Cassirer's theory of language was important here,[32] and a greater systematic weight was given to language by Hönigswald.[33] Paul Natorp, by contrast, who can be considered here as a representative of classical neo-Kantianism, questioned whether language could be given a foundational status. For him, language is merely a means for the realisation of validity and for the communication of cultural goods in theory, praxis and art. Language is no more than an instrument 'for the preservation and maintenance of the cultural consciousness of humans, and a source of nourishment, and therefore, since the means depends on the end, determined by them . . . It may become an end in itself, but then it falls under the category of art'.[p]

Seen objectively, the neo-Kantian conception of culture is that of the totality of individual and distinct realisations of validity (of values) in history. 'In the end, by culture we understand nothing less than the totality of what human consciousness can, by virtue of its own rationality, make of what is given to it.'[q] Or 'culture is the essence of those goods that we cultivate for the sake of their *values*'.[r] Because cultural facts in their facticity are the business of the positive sciences, while philosophy addresses them only in terms of the

Wissenschaft . . . , aus der Kritik der praktischen Vernunft und der darauf gebauten Metaphysik der Sitten das Reich der Vernunftzwecke in Moral und Recht, aus der Kritik der Urteilskraft das Wesen der Kunst und der ästhetischen Lebensgestaltung: und erst nach all diesem konnte gefragt werden, wieviel von jenen Kulturwerten aus bloßer Vernunft in der religiösen Lebensform der Gesellschaft enthalten sein könne.' Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 281

p. '[D]er Lebendigerhaltung und Fortpflanzung des Kulturbewußtseins in der menschlichen Gemeinschaft, gleichsam ein Nährmittel für sie alle, daher, da der Zweck sich das Mittel gestaltet, auch wieder durch sie alle bedingt . . . Zwar kann sie auch Selbstzweck werden; aber dann fällt sie ersichtlich unter den Begriff der Kunst.' Natorp, *Philosophie, ihr Problem und ihre Probleme*, 27f.

q. 'Denn unter Kultur verstehen wir schließlich doch nichts anderes, als die Gesamtheit dessen, was das menschliche Bewußtsein vermöge seiner vernünftigen Bestimmtheit aus dem Gegebenen herausarbeitet'. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 287

r. 'Kultur ist der Inbegriff der Güter, die wir um ihrer *Werte* willen pflegen.' Rickert, *Kant als Philosoph der modernen Kultur*, 7

basis of their possible validity, this 'totality of culture' amounts to a system of types of validity.

Neo-Kantianism as a cultural movement

It was important for the self-understanding of neo-Kantianism as a philosophy of culture that it sought to be not only an academic exercise but also a 'movement' that went beyond science and devoted itself to the cultural questions of its time, as a cultural actor.[34] One's own philosophical work was understood as work on the urgent problems of culture.[35] Lange had already addressed 'the worker question' in 1865. The neo-Kantians believed that the prevailing critical state of culture was driving them to make a decisive contribution to the realisation of a genuinely modern culture, inspired by the spirit of Kant.[36] Philosophy should provide a service to culture, so that 'cultural philosophy is a matter for every thinking cultural being'.[s]

In the cultural situation of the age there was a fundamental uncertainty about the sources of life-orientation available to human beings. Windelband discerned in industrialisation, in economic growth, world trade and colonialism a collapse of old forms of life.[37] He lamented the fact that scientific thought was valued now only in so far as it was applicable.[38] At the same time 'an agitated reform of our education system' had begun.[t] Windelband was referring here to Julius Langbehn and his widely read anti-Enlightenment, anti-cosmopolitan and anti-liberal book, *Rembrandt as Educator*, of 1890. His general diagnosis was of 'a nervous condition of yearning and fermentation that takes on form'. And like the Marburg school, he addresses the social question, which for the neo-Kantians was more than a political and economic one: 'the masses are making their claims heard as much in the political and other spheres of cultural life as in the economic sphere . . . this social expansion is the most important reason for the extensive and intensive increase of life. Across the breadth of cultural life the deepest political, social and economic problems are growing. That introduces new and far-reaching changes of a hitherto unacknowledged force into the life of values.'[u] This

s. 'Die Kulturphilosophie geht jeden nachdenklichen Kulturmenschen etwas an.' Rickert, *Kant als Philosoph der modernen Kultur*, 7

t. '[D]as aufgeregte Reformieren an unserem Erziehungswesen'. *Ibid.*, 106

u. [E]inen aufgeregten Zustand des Suchens und Tastens, eine vielfältige Gärung, die zur Gestaltung drängt.' 'Nicht nur in der politischen Entwicklung, sondern auch auf allen Gebieten der geistigen Geschichte macht sich der Anspruch der Massen in demselben Grade geltend, wie auf dem ökonomischen Gebiete . . . diese soziale Ausweitung bildet den bedeutsamsten Grund für die extensive und intensive Steigerung des Lebens . . . Daraus erwachsen überall in der Breite

is a dangerous situation for the individual: 'His interests, his work and his fate compel each individual to adopt an all-embracing collective life; it is the industrial existence that spreads unopposed across all spheres of our outward and inner life. . . . There is virtually no vocation in which the individual is able to determine his activity himself.' This was true even for science.[v] In general, the 'cultural world of the present' was that of an 'eroded total culture'.[w] 'Thus modern consciousness is a fragmented one . . . it has lost the harmony of simple unity and is occupied with its own contradictions'.[x] Jonas Cohn drew the same conclusions.[39]

Windelband sees the great significance of Kant's philosophy in the fact that it makes us aware of this whole state of affairs.[40] But Kant had not only rendered obsolete the metaphysical world picture, but with his three critiques created a philosophy for the modern world, one that made it possible 'to reconcile the contradictions contained in the foundations of modern consciousness'.[y] 'Everything thus points to the fact that critical philosophy, if it is to prove itself in addressing contemporary problems as it has proved itself for a century, must show itself capable of bearing within its system of concepts a *Weltanschauung* that can bring to consciousness the value content of reality. This is both its right and its vocation, for in accordance with its Kantian foundations, its task is to seek the basis for universally valid and necessary convictions across the entire gamut of cultural activity.'[z] For similar

des Kulturlebens die schweren Probleme der politischen, der sozialen, der intellektuellen Bewegung. Das gibt auch für das Wertleben völlig neue Momente und tiefgreifende Veränderungen von einer früher ungeahnten Mächtigkeit.' *Ibid*., 109

v. 'Jeder Einzelne sieht sich mit seinen Interessen, mit seiner Arbeit, mit seinem Schicksal in ein übergreifendes Kollektivleben gezwungen; es ist der Typus des industriellen Daseins, der sich auf alle Sphären äusserer und innerer Betätigung unwiderstehlich ausbreitet. . . . Es gibt wenige, bald keine Berufsarten mehr, in denen das Individuum seine Tätigkeit von sich selbst aus zu bestimmen vermag.' *Ibid*., 111

w. '[D]ie Kulturwelt der Gegenwart . . . eine[r] abgeschliffene[n] Gesamtkultur'. W. Windelband, 'Immanuel Kant: zur Säkularfeier seiner Philosophie' (1881), in *Präludien* I, 119

x. 'So ist das moderne . . . das zerrissene Bewußtsein. Es hat die Harmonie der unbefangenen Einfachheit verloren und müht sich an seinen inneren Widersprüchen ab.' *Ibid*., 120

y. '[D]ie Widersprüche zu versöhnen, die in den Grundlagen des modernen Bewußtseins enthalten waren'. *Ibid*., 142

z. 'So drängt alles darauf hin, daß die kritische Philosophie, wenn sie die Lebenskraft, die sie ein Jahrhundert bewahrt hat, auch in der Bewältigung der aktuellen Bedürfnisse der Gegenwart bewahren soll, sich fähig erweisen muß, mit ihrem Begriffssystem eine Weltanschauung zu tragen, welche den geistigen Wertinhalt der Wirklichkeit in sicherem Bewußtsein zu erfassen vermag. Sie hat dazu das Recht und den Beruf, weil sie, den kantischen Grundlagen gemäß, die Gründe allgemein giltiger und notwendiger Überzeugungen in dem ganzen Umfange menschlicher Kulturtätigkeit . . . zu suchen angewiesen ist.' W. Windelband, 'Nach hundert Jahren: zu Kants hundertjährigem Todestage' (1904), in *Präludien* I, 147–67, at 165

reasons Rickert sees in Kant's philosophy the foundations that should make scientific answers to specifically modern cultural problems possible.[41]

Windelband sums up the Idealist programme thus: 'We are seeking from philosophy less and we expect from it less than it once offered, which was a theoretical world picture that would be synthesised from the results of the individual sciences or beyond that, formed along its own lines and self-contained: what we expect from philosophy today is reflection on values that are grounded in a higher spiritual reality and endure across the changing interests of the age',[aa] that is, in principles of validity as the objectively valid guidelines for the self-formation of the subject.

Now at the time both cultural philosophy and philosophical cultural criticism were demands of the day.[42] In 1890 'culture' had become a basic theme in public discussion and in philosophy. It was the neo-Kantians' belief, and one that was widespread in philosophy, that philosophy could contribute to the humanisation and cultivation of society. Even the diagnoses were similar. Rudolf Eucken, for instance, challenged philosophy to help shape the idea of a new human being and a new culture: 'all that sanitised pseudo-culture that comes out of our big cities' was unbearable, 'the gulf between the goals that are proclaimed and what is actually sought grows ever deeper, and with it the inauthenticity of life. This must be opposed, and growing dissatisfaction indicates that such a movement is already under way'.[bb] Eucken made a plea for a new idealism, which was also in accord with neo-Kantianism. A new idealism was needed because changes taking place in the nineteenth century, above all the need for a new 'work culture', ruled out a return to the old idealism. Many others could be added to the list. The most important philosophical cultural critic of the time was undoubtedly Georg Simmel. Perhaps the most important representative of a modern critical philosophy was Wilhelm Windelband whose collection of popular essays, *Preludes*, reached a broad middle-class readership.

aa. 'Wir suchen weniger und erwarten von der Philosophie weniger, als was sie früher bieten sollte, ein theoretisches Weltbild, das aus den Ergebnissen der einzelnen Wissenschaften zusammengefasst oder darüber hinaus in eigenen Linien gestaltet und harmonisch in sich geschlossen werden soll: was wir heute von der Philosophie erwarten, ist die Besinnung auf die bleibenden Werte, die über den wechselnden Interessen der Zeiten in einer höheren geistigen Wirklichkeit begründet sind.' Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 119

bb. '[A]ll jene aufgeputzte Scheinkultur, wie sie namentlich von unsern Millionenstädten ausgeht, immer weiter wird der Abstand zwischen dem, was als Ziel verkündet und was in Wahrheit als solches erstrebt wird, immer größer wird damit die Unwahrhaftigkeit des Lebens. Dem muß widerstanden werden; die wachsende Unzufriedenheit zeigt deutlich genug, daß eine solche Bewegung schon im Gange ist.' R. Eucken, *Geistige Strömungen der Gegenwart* (3rd edn, Leipzig: Veit, 1913), 243 (= 4th rev. edn, *Geschichte und Kritik der Grundbegriffe der Gegenwart*, 1878)

The following passage from Paul Natorp, in its pathos, is typical:

> But as cultural philosophy transcendental idealism becomes a force of life. Here too we are seeking to deepen Kant with Plato, who insisted that philosophy was not a luxury of the scholar in his study or of the cultivated, but the indispensable source of nourishment for a life worthy of the name . . . One will scarcely be able to deny that here we are as true to Kant as to Plato. We, just like our forefathers Schiller, Wilhelm von Humboldt, and all the rest, make Kantianism a matter of the heart, of the whole of life, as well as the head. And make no mistake, it is precisely our age that demands nothing so much as the penetration of life by philosophy, and with it the penetration of philosophy with the warm blood of life of a cultural development that strives for the highest prizes. We detect the pulse of such a life in the apparently marble cold ideas of the great critic of reason. And because this pulse beats, he will live as long as there are people on earth.'[cc]

Among other things, the cultural philosophical intent of the neo-Kantians was made clear by the founding of the journal *Logos*, which appeared between 1910 and 1933; one of its co-founders was Rickert. The editor was Georg Mehlis, a member of the circle around the south-west German school; Richard Kroner, a student of Rickert, soon became deputy editor. Its subtitle was 'International journal for the philosophy of culture'. Its editorial board included Jonas Cohn, Rudolf Eucken, Otto von Gierke, Edmund Husserl, Friedrich Meinecke, Ernst Troeltsch, Max Weber, Wilhelm Windelband, Heinrich Wölfflin and Georg Simmel.[43]

Its opponents were in movements of irrationalism, materialism[44] and pessimism,[45] and religious dogma, particularly of a Catholic variety.[46] The autonomy of philosophy and reason were to be defended against natural

cc. 'Als Kulturphilosophie aber wird uns der transzendentale Idealismus zur Lebensmacht. Auch in dieser Richtung streben wir Kant zu vertiefen durch Plato, der ja davon ganz durchdrungen war, dass Philosophie nicht ein Luxus der Gelehrtenstube oder der verfeinerten Bildung, sondern das allerunentbehrlichste Nährmittel eines wirklich lebenswerten Lebens sei . . . Das aber wird man uns schwerlich abstreiten können, dass wir damit dem Geiste Kants ebenso treu bleiben wie dem Platos. So wie unseren Altvordern, den Schiller, Wilhelm von Humboldt und allen den Andern, der Kantianismus nicht bloss Kopf- sondern Herzenssache, die Sache des ganzen Lebens war, so sei er es uns. Und, irren wir nicht, so verlangt gerade unsere Zeit nach nichts so sehr wie nach einer philosophischen Durchdringung des Lebens, und darum nach einer Durchdringung der Philosophie selbst mit dem warmen Lebensblute der nach den höchsten Siegeskränzen ringenden Kulturentfaltung. Den Pulsschlag solchen Lebens empfinden wir in den scheinbar marmorkalten Gedankenbildungen des grossen Kritikers der Vernunft. Weil aber diese Lebensenergie in ihm pulsiert, darum wird er leben, solange noch eines Menschen Herz und Hirn auf diesem Weltkörper arbeitet.' Natorp, 'Kant und die Marburger Schule', 219

scientific reductionist accounts of the human being, and against materialist socialism (by an appeal to an 'ethical socialism' grounded in Kant's moral theory). There was also occasion to defend the philosopher of Protestantism against neo-Thomism,[47] and thereby to play a role in the *Kulturkampf*.

Impact

The contemporary impact can only be discussed briefly here. As we have already seen, neo-Kantianism was the dominant philosophy of the age, at least in the German-speaking world. Some authors who later went their own way started out under the influence of the south-west German school, among them the young Georg Lukács[48] and Heidegger. Nicolai Hartmann and Heimsoeth came out of the Marburg school as did the Polish moral philosopher and historian of aesthetics Tatarkiewicz. Franz Staudinger and Karl Vorländer, who tried to synthesise Kantianism and socialism, belonged to the circle around the Marburg school, as did August Stadler, who attempted to make Kant responsible for contemporary natural science, and K. Lasswitz, who wrote on physics and philosophy. From 1939 onwards A. Liebert, now in Birmingham, tried to organise a 'global humanist association' and make Kantianism a basis for political practice. The same goes for S. Marck who was influenced by Cassirer, Rickert and Hönigswald and who after 1920 dedicated himself to leftist politics.

When discussing the contemporary impact of neo-Kantianism it should be remembered that by no means all of its representatives were university professors. Karl Vorländer (an editor of Kantian works, author of several books about Kant and of a well-known history of philosophy, and champion of neo-Kantian socialism) was a grammar-school teacher; another grammar-school teacher was Franz Staudinger, an advocate of consumer co-operatives (neo-Kantianism saw in the co-operative a crucial part of the solution to 'the social question'). Wilhelm Sturmfels, known today only to specialists, taught outside the university, at the Labour Academy in Frankfurt (founded in 1921 as 'the first German college for working people', and closed in 1933 and reopened in 1946, today it is the European Labour Academy).[49]

Neo-Kantianism also had a notable impact outside philosophy. Firstly it had prominent adherents in the sciences: legal scholars such as Radbruch, Stammler and Kelsen; theologians such as Hermann, Buber, Rosenzweig and Troeltsch; sociologists such as Weber.[50] Cassirer was an influence on Panofsky's art historiography.

Secondly, it had an impact on politics and society. The Kant Society, founded in 1904, with its numerous regional groupings, was not exclusively neo-Kantian but helped neo-Kantianism spread beyond the universities. Through its numerous public lectures, held even in small towns, the Kant Society sought to popularise Kantian and neo-Kantian thought.

The neo-Kantian influence on education should also be mentioned. Paul Natorp, with his understanding of pedagogy as applied philosophy, was more than an important academic philosopher. He sought direct influence, for instance through his debates with the youth movement, his repeated advocacy of university training for teachers, and his sharp rejection of the idea that education should serve economic and political goals.[51] His ethical and social theory was expressed in his *Social Pedagogy* of 1899.[52] This social pedagogy was 'a theory of community education and community formation, directed against individual and class pedagogy and its economic, political and social presuppositions, and having as its ideal the freely chosen community of free individuals'.[53] Perhaps the most lasting impact of the Marburg school was the concept of ethical socialism, which influenced the programme of the Social Democratic Party, both the dispute over revisionism between the end of the nineteenth century and 1933, and the Bad Godesberg programme of 1959.

The originators of the neo-Kantian theory of socialism – among them Friedrich Albert Lange – saw it as a solution to the 'worker question' or 'the social question'.[54] The origins of this theory lay in ethics, on which they founded a critique of capitalism. As an ethically founded socialism, it was directed against materialism, which was seen as being just as metaphysical as Hegel's dialectic.[55] It opposed both with an ethics grounded in Kant's theory of the categorical imperative. Hermann Cohen had described Kant as the 'true, genuine founder of German socialism'.[dd] Paul Natorp had advocated the adoption of socialism as an ethical idea from Kant.[56] The Marburg neo-Kantians saw the core of ethical socialism in Kant's demand that people be treated at all times as ends rather than means, in line with the third formulation of the categorical imperative in the *Groundwork of the Metaphysics of Morals*. According to Natorp this should apply to all social spheres, but particularly those of work and politics.[57]

dd. '[W]ahren und wirklichen Urheber des deutschen Sozialismus'. H. Cohen, 'Einleitung mit kritischem Nachtrag zur *Geschichte des Materialismus* von F.A. Lange', in *Werke* V/2 (1984), 112

The socialism promoted by the Marburg school was conceived of as co-operative socialism. For Cohen, the legal theoretical equivalent of Kant's concept of the 'realm of ends' was the juristic person of the co-operative (*Genossenschaft*). Ethics required a legal order in which state and society were organised along co-operative lines.[58] Franz Staudinger, who was attached to Marburg neo-Kantianism, saw in the consumer co-operative a contribution to the solution of the social question. He became a theorist of the co-operative movement, spoke at co-operative movement events, and was active on the Central Committee of the German Association of Co-operatives.

After the Second World War neo-Kantianism gradually lost its leading position. After 1933 it was brutally suppressed, and its prominent representatives (such as Cassirer, Cohn, Hönigswald) removed from their teaching positions by the regime and its academic supporters[59] and driven into exile. The histories of philosophy written in this period remained silent about Jewish neo-Kantians such as Cohen.

Symptomatic here is the fate of the journal *Logos*. After the editor Kroner was driven out of his job, *Logos* went from being 'an international journal for the philosophy of culture' (*Internationale Zeitschrift für Philosophie der Kultur*) to being 'a journal for German cultural philosophy' (*Zeitschrift für Deutsche Kulturphilosophie*).[60] It was not only its title but the introduction to the first issue that distanced it from the international character of philosophy, something that had been taken for granted by most of the neo-Kantians.

After 1945 neo-Kantianism was partly forgotten, partly killed off. Manfred Brelage stated in the early 1960s that 'the neo-Kantians' entire philosophy, which still dominated Germany fifty years ago, has been extinguished and has no place in today's philosophical consciousness'.[ee] New directions had taken over the field, so that those derived from neo-Kantianism appeared obsolete: Nicolai Hartmann's ontology (at least for a short time), existentialism, hermeneutics, neo-empiricism, neo-Marxism, analytical philosophy.[61] The basic philosophical frameworks shifted increasingly towards the empiricist, or positivist. Thus in Stegmüller's much-read *Main Currents of Contemporary Philosophy*, the discussion of the philosophy of the present has no place for neo-Kantianism (in contrast to its contemporary Franz Brentano). Thus Herbert Schnädelbach is right to say that 'neo-Kantianism, which apparently reduced philosophy to epistemology, is

ee. '[D]aß die gesamte Philosophie der Neukantianer, die noch vor 50 Jahren das philosophische Leben Deutschlands beherrschte, im gegenwärtigen philosophischen Bewußtsein ausgelöscht worden ist'. M. Brelage, *Studien zur Transzendentalphilosophie* (Berlin: de Gruyter, 1965), 81

regarded as having been overcome for no other reason than the fact that the protagonists of modernity, from the Vienna Circle neo-positivists through critical theory to the New Ontology, defined their positions primarily against that once dominant academic approach'.[ff] Friedrich Tenbruck went further and spoke of a 'failure of memory' (*Gedächtnisausfall*),[62] although this formulation, if taken in isolation, sounds almost apologetic (as if it were unintentional, like amnesia).[63]

Neo-Kantianism today

In the 1960s a renewed engagement with neo-Kantianism sought to reactualise the theme of validity (H. Wagner, G. Wolandt, W. Flach, M. Brelage). Since 1975 there has been an intensive and widespread interest in re-establishing central neo-Kantian positions. It has resulted in a series of editions of neo-Kantian writings (including very prominently those of Hermann Cohen) and a notable number of publications.[64] Numerous conferences about neo-Kantianism have taken place, serving not only the reacquaintance with neo-Kantian philosophy but also the clarification of its significance for science (for instance, jurisprudence).

It is above all younger scholars, both in German-speaking countries and in the Netherlands, Italy, France, Poland and Russia, who are active in this field, and who see in neo-Kantianism an unjustifiably neglected philosophy. They seek to bring its basic ideas to bear on contemporary discussions. This is true of specialist or esoteric problems in epistemology and the philosophy of science, and even more so of moral-legal problems.[65]

Occupying oneself with neo-Kantian cultural philosophy is not so strange when one thinks about the current state of systematic philosophy. For it does not take long to see pressing analogies with the intellectual situation that brought neo-Kantianism to the fore. On the one hand, today a systematic philosophy is regarded as dispensable or indeed impossible, at any rate obsolete. On the other, the dominant strains of philosophy, despite all variations, are united by an empiricist, or positivist, foundation, be it in the analytical philosophy of language, in forms of naturalism drawing on evolutionary

ff. '[D]er Neukantianismus . . . , der angeblich die Philosophie auf Erkenntnistheorie reduzierte, auch heute noch vielfach aus keinem anderen Grunde als "überwunden" [gilt], weil die Protagonisten der Moderne vom Wiener Kreis des Neopositivismus über die Kritische Theorie bis hin zur Neuen Ontologie ihre Positionen vornehmlich in Abgrenzung gegen eben jene, damals vorherrschende akademische Richtung definierten'. Schnädelbach, *Philosophie in Deutschland 1831–1933*, 13

biology or neurobiology, in a pervasive moral empiricism and utilitarianism, or in the transformation of ethics into metaethics. But theoretical philosophy can indeed put serious questions to logical and linguistic neo-positivism, such as that of the function of logic.[66] And on the question of the foundation of norms, empiricism in all its forms exhibits serious weaknesses.

In this way it is understandable that neo-Kantianism is today increasingly seen as a philosophy that, with its concept of culture based on the theory of validity, presents itself as an alternative to empiricism and non-committal postmodernism. In the eyes of its supporters, much points to the fact that the approaches that replaced neo-Kantianism in the end had no alternative to offer.[67]

A re-evaluation has in the meantime proceeded so far that one may either discern neo-Kantian positions directly (particularly in analytic linguistic philosophy) or at least point to unacknowledged, or indeed carefully concealed, commonalities in the conflicts between standpoints. For followers of Frege and Carnap such proofs would meet with no little success.[68]

Nobody would think today of adopting neo-Kantian critical philosophy without considerable modifications. Whoever tries to reanimate it needs to follow its example and take to heart the neo-Kantian motif of going-beyond-Kant. As far as I can see, this is just what is happening. However, regardless of this, the systematic claim of neo-Kantian philosophy is a form of security in the face of all 'poetic' philosophising and the pretentious chatter offered to the German television viewer as philosophy, which unfortunately threatens to determine the image of philosophy in the mind of the public for some time to come.

Translated by D. C. S. Turner

Notes

1. J. Habermas, *Der philosophische Diskurs der Moderne* (Frankfurt am Main: Suhrkamp, 1988), 170.
2. For a recent account see Helmut Holzhey, 'Der Neukantianismus', in H. Holzhey and. W. Röd (eds.), *Geschichte der Philosophie* XII (Munich: C. H. Beck, 2004), 13–122.
3. On the intellectual context see C. Krijnen, *Nachmetaphysischer Sinn: eine problemgeschichtliche und systematische Studie zu den Prinzipien der Wertphilosophie Heinrich Rickerts*, Studien und Materialien zum Neukantianismus 16 (Würzburg: Königshausen & Neumann, 2001), 29–120.
4. Windelband says of the Idealist systems that they 'represented a violation of empirical natural science research': W. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts* (2nd edn, Tübingen: J. C. B. Mohr (Paul Siebeck), 1909), 80.

5. Compare H. Schnädelbach, *Philosophie in Deutschland 1831–1933* (Frankfurt am Main: Suhrkamp, 1983), 17ff.; S. Nachtsheim, *Kunstphilosophie und empirische Kunstforschung 1870–1920* (Berlin: Gebrüder Mann, 1984).
6. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 86.
7. E. Cassirer, *The Problem of Knowledge* (New Haven: Yale University Press, 1950), 2.
8. See H. Wagner, 'Die absolute Reflexion und das Thema der Metaphysik', in *Kritische Philosophie* (Würzburg: Königshausen & Neumann, 1980), 49–56.
9. H. Lotze, *Logik* (Leipzig: Weidmann'sche Buchhandlung, 1843); reprint of the third book, *Vom Erkennen (Methodologie)*, ed. G. Gabriel (Hamburg: Felix Meiner, 1989). On Lotze's *Logik* see B. Bauch, *Lotzes Logik und ihre Bedeutung im deutschen Idealismus*, Beiträge zur Philosophie des deutschen Idealismus 1 (Berlin: Duncker & Humblot, 1918), 45–58. On the distinction between validity and being, see especially E. Lask, *Die Logik der Philosophie und die Kategorienlehre*, in *Gesammelte Schriften* II (Tübingen: J. C. B. Mohr (Paul Siebeck), 1923), 1–282; on Lask, see S. Nachtsheim, *Emil Lasks Grundlehre* (Tübingen: J. C. B. Mohr (Paul Siebeck), 1992).
10. See H. Rickert, *Kant als Philosoph der modernen Kultur* (Tübingen: J. C. B. Mohr (Paul Siebeck), 1924), v f.
11. *Kants Theorie der Erfahrung* (1871), *Begründung der Ethik* (1877), *Begründung der Ästhetik* (1889).
12. See M. Brelage, *Studien zur Transzendentalphilosophie* (Berlin: De Gruyter, 1965), 90; H. Oberer, 'Transzendentalsphäre und konkrete Subjektivität: ein zentrales Thema der neueren Transzendentalphilosophie', in *Zeitschrift für Philosophische Forschung* 23 (1969), 578–611, esp. 582; H. Schnädelbach, *Reflexion und Diskurs: Fragen einer Logik der Philosophie* (Frankfurt am Main: Suhrkamp, 1977), 343; H.-L. Ollig, *Der Neukantianismus* (Stuttgart: Metzler, 1979), 4f.; W. Flach, *Grundzüge der Erkenntnislehre* (Würzburg: Königshausen & Neumann, 1994), 25.
13. Brelage, *Studien zur Transzendentalphilosophie*, 80.
14. On the determination of validity as the main theme in neo-Kantianism's return to Kant, see H. Cohen, *Kants Theorie der Erfahrung* (1871; 2nd edn, 1918), in *Werke*, ed. Hermann-Cohen-Archiv am Philosophischen Seminar der Universität Zürich, under the direction of Helmut Holzhey, vol. I (Hildesheim: Olms, 1987); H. Cohen, *System der Philosophie* I: *Logik der reinen Erkenntnis*; P. Natorp, 'Kant und die Marburger Schule', *Kant-Studien* 17 (1912), 193–221; *Philosophie, ihr Problem und ihre Probleme: Einführung in den kritischen Idealismus* (1911) (4th edn, Göttingen: Vandenhoeck & Ruprecht, 1929) (repr., Göttingen: Edition Ruprecht, 2008); E. Cassirer, *Das Erkenntnisproblem in der Philosophie und Wissenschaft der neueren Zeit*, 4 vols. (repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1994); *Philosophie der symbolischen Formen* (1923–9) (repr., Hamburg: Meiner, 2010); W. Windelband, 'Was ist Philosophie?' (1882), in *Präludien: Aufsätze und Reden zur Philosophie und ihrer Geschichte* I (6th edn, Tubingen: Mohr, 1980 [1919]), 2—54.
15. E. Zeller, 'Über Bedeutung und Aufgabe der Erkenntnistheorie', in *Vorträge und Abhandlungen* II (Leipzig: Fues, 1877), 479–96.
16. Memorial edition: K. Fischer, *Geschichte der neuern Philosophie* IV: *Immanuel Kant und seine Lehre* (6th edn, Heidelberg: Winter, 1928).
17. See E. Cassirer, *Das Erkenntnisproblem* IV, 11; Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 80.

18. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 72.
19. G. Lehmann, *Die deutsche Philosophie der Gegenwart* (Stuttgart: Kröner, 1943), 35.
20. H. Rickert, *Wilhelm Windelband* (1914) (2nd edn, Tübingen: J. C. B. Mohr (Paul Siebeck), 1929), 17.
21. H. Cohen, *Kants Begründung der Ästhetik* (1889), in *Werke* III (Hildesheim: Olms, 2009), 9.
22. *Ibid.*, 17.
23. Natorp, *Philosophie: ihr Problem und ihre Probleme*.
24. This only changed with E. Cassirer and R. Hönigswald.
25. W. Perpeet, 'Kultur, Kulturphilosophie', in J. Ritter, K. Gründer and G. Gabriel (eds.), *Historisches Wörterbuch der Philosophie*, IV (Basel: Schwabe, 1976), 1309–24; 'Kulturphilosophie um die Jahrhundertwende', in H. Brackert and F. Wefelmeyer (eds.), *Naturplan und Verfallskritik: zu Begriff und Geschichte der Kultur* (Frankfurt am Main: Suhrkamp, 1984), 364–408.
26. The influence of Simmel is clear in Jonas Cohn, *Der Sinn der gegenwärtigen Kultur: ein philosophischer Versuch* (Leipzig: Felix Meiner, 1914).
27. On Kant's concept of culture see M. Heinz, 'Immanuel Kant', in R. Konersmann (ed.), *Handbuch Kulturphilosophie* (Stuttgart: Metzler, 2012), 70–8; W. Bartuschat, 'Kultur als Verbindung von Natur und Sittlichkeit', in H. Brackert and F. Werfelmeyer (eds.) *Naturplan und Verfallskritik* (Frankfurt am Main: Suhrkamp, 1984), 69–93. On the relationship between the neo-Kantian cultural philosophy and Kant's concept of culture, see W. Flach, 'Kants Begriff der Kultur und das Selbstverständnis des Neukantianismus als Kulturphilosophie', in M. Heinz and C. Krijnen (eds.), *Kant im Neukantianismus* (Würzburg: Königshausen & Neumann, 2007), 9–24.
28. H. Rickert, 'Vom Begriff der Philosophie', *Logos* 1 (1910), 1–34, esp. 19ff.; cf. 7, 9f.
29. Cohen, *Kants Begründung der Ästhetik*, 144.
30. Cf. Gerd Wolandt, *Idealismus und Faktizität* (Berlin: De Gruyter, 1971), 12f.
31. See B. Recki, 'Freiheit und Werk: über handlungstheoretische Kategorien der kulturphilosophischen Grundlegung bei Ernst Cassirer', in P.-U. Merz-Benz and U. Renz (eds.), *Ethik oder Ästhetik? Zur Aktualität der neukantianischen Kulturphilosophie* (Würzburg: Königshausen & Neumann, 2004), 115–24.
32. E. Cassirer, *Philosophie der symbolischen Formen* I: *Die Sprache*.
33. R. Hönigswald, *Philosophie und Sprache: Problemkritik und System* (Basel: Haus zum Falken, 1937).
34. *Ibid.*, 2.
35. Cf. Cohn, *Der Sinn der gegenwärtigen Kultur*.
36. F. Tenbruck, 'Neukantianismus als Philosophie der modernen Kultur', in W. Orth and H. Holzhey (eds.), *Neukantianismus: Perspektiven und Probleme*, Studien und Materialien zum Neukantianismus 1 (Würzburg: Königshausen & Neumann, 1994), 71–87, at 71.
37. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, 111.
38. *Ibid.*, 102.
39. Cohn, *Der Sinn der gegenwärtigen Kultur*. On this, particularly on Cohn's account of the situation of art, see S. Nachtsheim, 'Lage und Aufgaben der zeitgenössischen Kunst in der Kunstphilosophie Jonas Cohns', in E. Mai, S. Waetzoldt and G. Wolandt (eds.),

Ideengeschichte und Kunstwissenschaft: Philosophie und bildende Kunst im Kaiserreich (Berlin: Gebrüder Mann, 1983), 153–170.

40. Windelband, 'Immanuel Kant: zur Säkularfeier seiner Philosophie', in *Präludien* 1, 120f.
41. Rickert, *Kant als Philosoph der modernen Kultur*, 139ff.
42. Cf. Perpeet, 'Kulturphilosophie um die Jahrhundertwende'.
43. On *Logos*, see Harald Homann, 'Die "Philosophie der Kultur": zum Programm des "Logos"', in W. Orth and H. Holzhey (eds.), *Neukantianismus: Perspektiven und Probleme*, Studien und Materialien zum Neukantianismus 1 (Würzburg: Königshausen & Neumann, 1994), 88–112.
44. In epistemological, but more so in ethical materialism, which went against ethical idealism.
45. Cf. Windelband, *Die Philosophie im deutschen Geistesleben des 19. Jahrhunderts*, esp. ch. 3.
46. Cf. K. C. Köhnke, *Entstehung und Aufstieg des Neukantianismus: die deutsche Universitätsphilosophie zwischen Idealismus und Positivismus* (Frankfurt am Main: Suhrkamp, 1993), 319ff.
47. For example, F. Medicus, 'Zwei Thomisten contra Kant', *Kant-Studien* 3 (1899), 320–33; B. Bauch, 'Kant in neuer ultramontan- und liberal-katholischer Beleuchtung', *Kant-Studien* 13 (1908), 33–56.
48. See his obituary of Emil Lask, G. von Lukács, 'Emil Lask: Ein Nachruf', in *Kant-Studien* 22 (1918), 329–70.
49. It is perhaps significant that Sturmfels' name does not appear on the Academy's website.
50. Peter-Ulrich Merz-Benz, *Max Weber und Heinrich Rickert: Die erkenntniskritischen Grundlagen der verstehenden Soziologie* (Würzburg: Königshausen & Neumann, 1990).
51. Cf. W. Fischer, 'Paul Natorp', in Wolfgang Fischer and Dieter-Jürgen Löwisch (eds.), *Philosophen als Pädagogen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 242–55, at 250–2.
52. P. Natorp, *Sozialpädagogik: Theorie der Willenserziehung auf der Grundlage der Gemeinschaft* (Stuttgart: Frommann, 1899) (7th edn, 1974).
53. N. Jegelka, 'Paul Natorps Sozialidealismus', in H. Holzhey (ed.), *Ethischer Sozialismus: zur politischen Philosophie des Neukantianismus* (Frankfurt am Main: Suhrkamp, 1994), 185–222, at 212.
54. F. A. Lange, *Die Arbeiterfrage in ihrer Bedeutung für Gegenwart und Zukunft* (Duisburg: W. Falk & Volmer, 1865).
55. Also Eduard Bernstein, who argued for the replacement of dialectical materialism by a social democracy oriented toward Kant; see E. Bernstein, *Die Voraussetzungen des Sozialismus und die Aufgaben der Sozialdemokratie* (1899) (8th edn, Berlin: J. H. W. Dietz Nachf., 1984), 29–65, 219–32; on Bernstein: H. Kleger, 'Die Versprechen des evolutionären Sozialismus: oder, Warum noch einmal Bernstein lesen?', in H. Holzhey (ed.), *Ethischer Sozialismus: zur politischen Philosophie des Neukantianismus*, (Frankfurt am Main: Suhrkamp, 1994), 94–124.
56. P. Natorp, 'Pestalozzis Ideen über Arbeiterbildung und soziale Frage', in *Gesammelte Abhandlungen zur Sozialpädagogik* 1 (2nd edn, Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1922), 104. On Natorp's social philosophy: N. Jegelka, *Paul Natorp: Philosophie, Pädagogik, Politik* (Würzburg: Königshausen & Neumann, 1992), and 'Paul Natorps Sozialidealismus', 185–222.

57. See Jegelka, 'Paul Natorps Sozialidealismus', 212.
58. H. Holzhey, 'Neukantianismus und Sozialismus: Einleitung', in H. Holzhey (ed.), *Ethischer Sozialismus: zur politischen Philosophie des Neukantianismus* (Frankfurt am Main: Suhrkamp, 1994), 7–38, at 29f.
59. On Heidegger's role in the removal of R. Hönigswald from his position as professor in Munich, see C. Schorcht, *Philosophie an den bayerischen Universitäten 1933–1945* (Erlangen: Fischer, 1990), 157–62; Tom Rockmore, 'Philosophie oder Weltanschauung? Über Heideggers Stellungnahme zu Hönigswald', in W. Schmied-Kowarzik (ed.), *Erkennen–Monas–Sprache: Internationales Richard-Hönigswald-Symposion Kassel 1995*, Studien und Materialien zum Neukantianismus 9 (Würzburg: Königshausen & Neumann, 1997), 171–9.
60. In 1938 Kroner emigrated to England, teaching for three years in Oxford. In 1940 he went to the United States and taught in New York until 1952. On Kroner: Walter Asmus, *Richard Kroner, 1884–1974: Ein Philosoph und Pädagoge unter dem Schatten Hitlers* (Frankfurt am Main: Peter Lang, 1990).
61. The first of these was closest to neo-Kantianism, yet emerged as an anti-critical philosophy and as opposed to the one-sidedness of neo-Kantian cultural philosophy. Hartmann and Heidegger both came out of neo-Kantian schools.
62. Tenbruck, 'Neukantianismus als Philosophie der modernen Kultur', 71.
63. On the moral-political side of this 'amnesia', see R. Aschenberg, *Entsubjektivierung des Menschen: Lager und Shoa in philosophischer Reflexion* (Würzburg: Königshausen & Neumann, 2003), esp. 104.
64. The series *Studien und Materialien zum Neukantianismus* alone, begun in 1994, now stands at thirty volumes.
65. Cf. H. Wiedebach, *Hirntod als Wertverhalt: medizinethische Bausteine aus Jonas Cohns Wertwissenschaft und Maimonides' Theologie* (Münster: LIT Verlag, 2003).
66. An impressive example of a reactualisation and systematic evaluation of what is still relevant in the neo-Kantian logic of cognition (with a confrontation with contemporary positions) can be found in Werner Flach, *Grundzüge der Erkenntnislehre: Erkenntniskritik, Logik, Methodologie* (Würzburg: Königshausen & Neumann, 1994).
67. See W. Flach, 'Zur Neubewertung des Neukantianismus', in C. Krijnen and A. Noras (eds.), *Marburg versus Südwestdeutschland: philosophische Differenzen zwischen den beiden Hauptschulen des Neukantianismus*, Studien und Materialien zum Neukantianismus 28 (Würzburg: Königshausen & Neumann, 2012), 9–40, esp. 17.
68. For example, G. Gabriel, 'Frege als Neukantianer', *Kant-Studien* 77 (1986), 84–101; 'Windelband und die Diskussion um die Kantischen Urteilsformen', in M. Heinz and C. Krijnen (eds.), *Kant im Neukantianismus*, 91–108; G. Edel, *Hypothesis versus Linguistic Turn: Zur Kritik der sprachanalytischen Philosophie* (Waldkirch: Edition Gorz, 2010); 'Die Aktualität Cohens in der gegenwärtigen Philosophie', in V. N. Belova (ed.), *I. Kant, Kantianism and H. Cohen* [in Russian] (Saratov: Naučnaja Kniga, 2004), 88–91.

7

After materialism – reflections of Idealism in *Lebensphilosophie*: Dilthey, Bergson and Simmel

David Midgley

The term *Lebensphilosophie* was adopted in the early decades of the twentieth century to identify a philosophical trend that distinguished itself by its concern with the conception of life as a creative process, with the continuity of mental experiences associated with that process, and with 'inner perception' or intuition as a privileged mode of understanding that process. That trend answered to a number of perceived needs in the broader intellectual culture of the Western world at the time. These included the sense that modern, industrialised societies were generating oppressive institutional structures that constrained creativity and the life choices of individuals; the notion that organising human lives in ways that were more in touch with natural processes and the world of nature might overcome the supposed decadence and degeneracy of contemporary European societies; and the endeavour of interpreting life processes and human cultural activity in ways that looked beyond the ostensibly mechanistic conceptions associated with the rise of the natural sciences and the dominance of philosophical materialism and positivism in the mid-nineteenth century. In the German-speaking world in particular, these three tendencies came together in the well-known cult of Nietzsche around 1900. Nietzsche's writings offered trenchant criticisms of contemporary European culture and educational institutions, as well as challenging inherited philosophical doctrines and seeming to point the way to the cultivation of a higher humanity.[1] But there were other thinkers, equally influential in their day, whose writings bear the traces of a thoughtful dialogue with (as opposed to a scornful repudiation of) the exponents of post-Kantian Idealism, and it is with three of the most prominent of these – Dilthey, Bergson and Simmel – that the present chapter is concerned.

All translations D.M. unless otherwise noted.

Beyond question, the heritage of German Idealism was still a significant presence in the world these authors inhabited. Hegel's doctrine of the state remained influential long after historians had turned away from his philosophy of history,[2] and we shall see explicit echoes of Hegel's conception of culture as 'objective spirit' in the writings of Dilthey and Simmel. Schopenhauer's philosophy of the will had also become a pervasive influence, strengthened indeed by the reception of Darwinian evolutionary theory since around 1860.[3] Schelling, too, attracted interest in the first decade of the twentieth century in circumstances that are entirely germane to our subject. The publisher Eugen Diederichs, whose main base was that early bastion of German Idealism, Jena, issued a selection of Schelling's writings in 1907 under the title *Schöpferisches Handeln* (Creative action) as part of his 'educational' programme for the cultural reinvigoration of Germany.[4] For all the difficulty of his abstract philosophical language, Schelling evidently provided the sort of watchwords with which Diederichs and his collaborators sought to oppose the materialism and political cynicism of the time through the cultivation of spiritual values: the world of mankind, like the world of nature, is one of incessant creative activity and the development of individual potential, and the means to grasp it is not the 'dead' language of science but the vividness of intuition (*Anschauung*). And when Diederichs undertook, around this time, to publish the works of Bergson in German, it was under the heading 'New Idealism' that he presented Bergson to German readers in his prospectus for 1907.[5]

Whatever such marketing strategies might suggest, however, those who attempted to describe *Lebensphilosophie* as a philosophical trend were bound to acknowledge the disparities among the various thinkers to whom they attached that label. The earliest such attempt appears to have been that of Max Scheler, on whose advice Diederichs had first considered publishing Bergson, in an essay dating from 1913. Scheler includes Nietzsche in his selection on the strength of the insights into the nature of life as a self-enhancing process that might be said to anticipate Bergson's thoughts on the matter, rather than as a philosopher in his own right, and Dilthey for his pursuit of the historical understanding of the experience of living communities. The common feature that Scheler sees as linking these three thinkers is the impulse to philosophise 'out of the fullness of the experience [*Erleben*] of life' – but he uses precisely this essay as the opportunity to distance himself from that trend, announcing that he is now joining forces with Edmund Husserl in his project of phenomenology instead.[6] Heinrich Rickert, in a book entitled *Die Philosophie des Lebens* (The philosophy of life, 1920),

provides a broader survey, but his purpose is to repudiate the whole trend from a neo-Kantian perspective. Dilthey receives scant mention here, but Simmel is presented as a determinedly anti-systematic thinker who thereby epitomises the general character of *Lebensphilosophie*.[7] (On the other hand, it can be reasonably argued that Simmel's practice of relating his arguments back to traditional modes of metaphysical speculation preserves him from the extremes of anti-intellectual irrationalism that came into prominence in the period between the world wars.[8]) Otto Friedrich Bollnow, finally, from a historical perspective further removed from those early polemics, acknowledges the positive contribution that *Lebensphilosophie* made to the awareness of the human capacity for intuitive understanding and to techniques of hermeneutic inquiry.[9]

For our present purpose, the value of comparing Dilthey, Bergson and Simmel is that between them they exemplify the historical trends in philosophical thought that became important around 1900, and the various ways in which these can be related back to the concerns of German Idealism. Wilhelm Dilthey (1833–1911) achieved his professorial chair at the university of Berlin on the strength of his attempt to develop a methodology for the humanities that could stand alongside that of the natural sciences. It was Dilthey who gave us the familiar – apparently categorical – distinction between the sciences looking at the natural world with a view to *explaining* its operation and the humanities looking at the human world with a view to *understanding* it. He began his career at a time when metaphysical speculation had been eclipsed by materialist arguments, and he interests us here for the way he puts German Idealism in a historical perspective, as well as for the use he makes of parts of its heritage. Henri Bergson (1859–1941) consistently sought to construct arguments that would transcend the claims of scientific empiricism, and in his book *L'Évolution créatrice* (1907) he offered a view of human existence that took on board the notion of the evolution of all species over time, while also insisting on a conception of life as vested with a spiritual impulse. There are apparent similarities between his aims and those of the German Idealists, but also important differences in their mode of argument. Georg Simmel (1858–1918) owed a great deal to both Dilthey and Bergson. It was Dilthey who enabled him to achieve his habilitation, and there are signs that Dilthey's *Einleitung in die Geisteswissenschaften* (Introduction to the human sciences, 1883) exerted a long-term influence on his thinking;[10] he also engaged closely with Bergson's writings around 1910 and was directly involved in their translation into German.[11]

All three can be seen to have regard to the integrative systems of earlier metaphysical philosophy, but their writings also reflect historical developments in the conception of knowledge that were making it increasingly difficult for any such attempt at integration to command authority. As Simmel was to put it in 1910:

> Does anyone nowadays still ask whether Plato's theory of ideas or the pantheism of the Stoics and Spinoza is 'correct', whether Nicholas of Cusa's concept of God as the *coincidentia oppositorum* or Fichte's world-creating self 'correspond to the facts', or whether Schelling's doctrine of the identity of nature and mind or Schopenhauer's metaphysics of the will is 'true'?[a]

He added that the undying significance of such doctrines did not derive from their empirical verifiability, but from what had prompted their formulation. In complex ways, the relation between experience of the external world and the sense of what human nature truly is had become problematic for all three of our thinkers, and not least for that reason, *epistemology* became the terrain on which they conducted many of their philosophical battles. It was terrain that they shared with the German Idealists in so far as they, too, were looking for ways to overcome that sharp distinction between intellectual understanding and intuition that is often referred to as Kant's dualism.[12] Indeed there is a sense in which the gate through which the critique of Kant enters in both instances is the one that – as Paul Guyer has put it – Kant himself left open when he said that his 'categories' would not apply to 'an understanding that itself intuited'.[13] But as we consider the relation between *Lebensphilosophie* and German Idealism, we would do well to heed a precept to which Bergson held when expounding philosophies of the past, namely that each philosopher has to be understood in the terms of his own arguments.[b]

a. 'Wer fragt heute eigentlich noch danach, ob Platos Ideenlehre oder der Pantheismus der Stoiker und Spinozas "richtig" ist, ob des Nikolaus Cusanus Begriff von Gott als des "Zusammenfallens der Gegensätze" oder Fichtes weltschöpferisches Ich "den Tatsachen entspricht", ob Schellings Lehre von der Identität von Natur und Geist oder Schopenhauers Willensmetaphysik "wahr" ist?' (Georg Simmel, *Hauptprobleme der Philosophie*, in *Gesamtausgabe* XIV (Frankfurt am Main: Suhrkamp, 1996) (hereafter *GSG*), 31

b. 'Un vrai philosophe ne s'expliqu[e] que par lui-même.' Henri Bergson, 'Cours du Collège de France sur "Le Traité de la Réforme de l'Entendement" de Spinoza' (1911), quoted in Camille Riquier, *Archéologie de Bergson: temps et métaphysique* (Paris: Presses Universitaires de France, 2009), 120

Dilthey

It is likely that Dilthey's contribution to epistemological thought is better known nowadays through the description of it in Hans-Georg Gadamer's book *Truth and Method* than at first hand. Dilthey is discussed there as an important link in the modern tradition of hermeneutics that begins with Schleiermacher and is characterised by 'Romantic' assumptions about the possibility of pursuing 'infinite understanding' and the 'homogeneity of human nature', which ought to make it possible to achieve a complete understanding of the creations of the human mind despite cultural and historical differences.[14] Gadamer highlights the senses in which Dilthey, whose inquiries often focused on the history of literary and philosophical movements, had inherited an *aesthetic* model of historical interpretation from Schleiermacher, and even establishes an equivalence between Dilthey's conception of 'historical consciousness' and Hegel's notion of 'absolute spirit'; but he does so in order to expose the notion of trying to reconcile the pursuit of the absolute with the awareness of historical perspective as a 'utopian ideal', and he even questions along the way whether Dilthey himself really thought in terms of 'infinite understanding'.[15] There is, however, an aspect of Dilthey's writings that provides positive momentum for Gadamer's argument, and that is the perception that life is capable of developing a view of itself that is 'prior to any scientific objectification': this leads Gadamer to speak of philosophical self-reflection, too, as an objectification of life and as 'philosophy of philosophy', but in a sense that is distinct from that of Idealism.[16] Gadamer's critique of Dilthey, then, helps to prepare the way for presenting his ontological model of hermeneutics as a more adequate description of how 'objective historical knowledge' might come about,[17] and for his well-known theory of the 'merging of horizons' in the process of historical understanding. As Gadamer puts it in a sentence that he himself italicises, '*Historical consciousness is a mode of self-knowledge*.'[18] When he speaks of an internal contradiction in Dilthey's thinking, Gadamer describes it as an 'unresolved Cartesianism'.[19] But when we examine those tensions within Dilthey's arguments of which he was himself clearly aware, we encounter a different set of epistemological issues, and in Dilthey's attempts to resolve these we find frequent echoes of post-Kantian philosophy.

Dilthey began his academic career in the 1850s, when history was establishing itself as a newly self-conscious discipline, and interest in metaphysical speculation was declining.[20] When he looked back at his own career at the

time of his seventieth birthday in 1903, he noted that his own historical investigations had led him to inquire into the nature of, and the conditions for, historical consciousness, a project that he frequently labelled a 'critique of historical reason'; and he openly acknowledged that there was a seemingly irresolvable tension within that project, a tension between the finitude of all *historical* phenomena and the *intellectual* need for 'universally valid knowledge [*Erkenntnis*]'.[21] He added that, like science and philosophy, the historical world-view contributed to the liberation of the human spirit, but that it was also necessary to ward off what he called the 'anarchy of convictions', by which – to infer from his use of that phrase elsewhere[22] – he probably meant the polemical character of much nineteenth-century historiographical writing once it moved beyond the straightforward and disciplined task of chronicling events.

Dilthey's early work carries the hallmarks of its time. He treats the metaphysical concerns of German Idealism as a phenomenon that requires to be understood historically, and in the prize essay on Schleiermacher that he wrote in 1860 he dismisses the philosophy of Schelling and his followers as 'mystical'.[23] In the 1870s, when the study of human societies had come strongly under the influence of the natural sciences, he specifically rejected the classifications of Schelling, Hegel and Schleiermacher on the grounds that they contain 'constructive elements that are not susceptible to exact proof';[24] and as late as 1905, on the opening page of his important study of writings by Hegel that pre-date his attempts at systematic philosophy he commends Hegel's close engagement with the stuff of history, noting with approval that it was 'as yet unconstrained by the compulsive logic of the dialectical method'.[c] But Dilthey's sense of a methodological dilemma is apparent in an essay of 1875, where he draws attention to the enormous complexity encountered when applying the principle of 'exact determination' to psychic processes and explicitly repudiates the positivism of Comte and Mill on the grounds that psychology in its current state cannot fulfil the expectation that it might furnish empirical laws for the study of history.[25] The solution he envisages in 1875 is that of allowing historical inquiry to be guided by philosophical reflection, and it is with a self-conscious echo of a well-known title of Kant's that he formulates this goal as 'historical research with a philosophical intention' (*historische Forschung in philosophischer Absicht*).[26]

c. '[W]ie [die Bruchstücke aus dieser Periode] noch unbeengt vom Zwang der dialektischen Methode aus der Vertiefung in den größten Stoff der Geschichte entstanden . . . '. Wilhelm Dilthey, 'Die Jugendgeschichte Hegels', in *GS* (Dilthey), IV, 3; cf. also p. 33

Dilthey describes his epistemological problem more explicitly in an essay of 1892 on experience and thought: 'Erfahren und Denken'. Here he polemicises against the metaphysical conception of the faculties of cognition that he finds in two mid-nineteenth-century systems of logic,[27] objecting to the Kantian dualism on which they are predicated, and in particular to the precept, at the start of Kant's 'Transcendental Aesthetic', that that which orders sensations cannot itself be a sensation.[28] In this he is conscious of following in the footsteps of Hegel, whose critique of Kant he recalls at the end of the essay, and like his Idealist predecessors he aims to unite the sundered halves of human perception represented by empiricism and rationalism.[29] As Dilthey puts it, only if we conceive of perception and thought as 'genetically' related can we advance beyond a 'merely hypothetical' basis for valid knowledge.[30] His solution to the problem also shows how close he was at this stage to Bergson, whose first major publication, the *Essai sur les données immédiates de la conscience*, had appeared in 1889; for Dilthey insists that our thinking must be subsidiary to our experience, and that our confidence that this is so must be based, not on our sense data, but on our 'inner experience'.[31] At the same time he takes heart from the view of the contemporary experimental psychologist Carl Stumpf that sensations must be subject to an *inherent* ordering principle,[32] and argues that 'the order we seek for our representation of the course of history must be similarly inherent in history'.[d] While he seeks backing from empirical science, his abiding philosophical concern is with the conditions of possibility for knowledge,[33] and he seeks to combine the two perspectives by positing a structural symmetry between the empirical world and our knowledge of it. He would like to go further and replace Kant's categories with formal 'rules of thought' (*Denkregeln*) that would express the principles by which the organisation of our thoughts (the *Denkzusammenhang*) is contained in reality itself; but he also recognises that the complex of thoughts in question has come about in the course of generations, and that it must stand in some relation to the conjunction (*Zusammenhang*) of all the perceptions that have been made down the centuries.[34] It is an endeavour in which the analysis of any judgement entails potentially endless contextual inquiry.

Dilthey was still wrestling with this problem in his last major work, and the ambiguity of the perspective in which he presented his epistemological

d. 'Die Einheit, durch die wir diesen Verlauf anschaulich vorstellen, muß in ihm selber liegen.' *GS* (Dilthey), v, 36; cf. also p. 73

thinking there is reflected in the fact that its title has variously been translated into English as 'The Construction' or 'The Formation of the Historical World':[35] the German word is 'Aufbau', and it can be taken to imply both a structure that is inherent within historical reality and the mental construction of it. It is in this text that, as Gadamer notes, Dilthey incorporates Husserl's demonstration (in his *Logical Investigations* of 1900–1) of the 'ideality' of meaning that transcends psychological determination,[36] and that he makes substantial use of Hegel's term 'objective spirit' in his discussion of historical interpretation. But we need to be clear about the purpose for which he uses this term. Dilthey includes here the spirit objectifying itself in 'the powerful forms of art, religion and philosophy', which, as he notes, Hegel himself had assigned to the 'absolute spirit'.[37] In fact, as Rudolf Makkreel shows in his seminal study of Dilthey, when he uses the expression 'objective spirit' he is generally at pains to detach it from the metaphysical framework in which it appears in Hegel's system. For Dilthey, the term designates 'the realm in which the human spirit is embodied' and 'the plurality of objectifications that can be empirically discovered through the study of history'.[38] In this sense, 'objective spirit' also comes to signify the *medium* in which experience (*Erlebnis*) and understanding (*Verstehen*) can be shown to be structurally related,[39] and it is this aspect of Dilthey's hermeneutics to which Gadamer is alluding when he writes, 'Life itself, flowing temporality, is ordered toward the formation of enduring units of significance. Life interprets itself. Life itself has a hermeneutical structure.'[40]

Where Gadamer finds Dilthey's aspiration for universally valid knowledge associated with the term 'absolute', the context turns out to be that of an inquiry into the historical process by which values that 'life' has generated come to acquire 'absolute' status for a nation or an epoch.[41] For Dilthey it is the 'actual expressions of life' that consistently provide the foundation for historical knowledge,[42] and he drew on the terminology of German Idealism in order to convey his thinking about the nature of the cognitive processes entailed in historical interpretation. With Bergson (whose writings display no manifest interest in history) we move to a more radical inquiry into the role of inner perception in our understanding of our own organic nature.

Bergson

Already in his *Essai sur les données immédiates de la conscience* (1889; translated as *Time and Free Will*, 1910), Bergson establishes the premise that our experience of the continuity of time is the basis on which we may know the nature both

of our own life and of the creative consciousness at work in the world. The key elements of his argument are these:

(1) What he calls 'pure duration' (*durée pure*) is conceived as the form of our continuous flow of consciousness when we allow ourselves to live (*quand notre moi se laisse vivre*).[43]

(2) That qualification (when we allow ourselves to live) is designed to counteract the tendency to treat time as a homogeneous medium which can be subdivided and quantified. According to Bergson, that approach, which he finds to be characteristic of modern scientific thought in general, imposes an artificial categorisation on the true nature of time by importing assumptions that are appropriate to the analysis of *space*.

(3) The *consciousness* that experiences time, and which can conserve memories of previous states of consciousness, is thereby able to testify to the continuous process of change to which that consciousness itself contributes. This is the sense in which he speaks of time as heterogeneous and therefore not susceptible to the subdivision and quantification that characterises experimental science and those aspects of Kant's thinking that proceed on the same assumptions as experimental science.[44] The sharp distinction he makes in the *Essai* between mechanics and dynamics as ways of looking at the world is carried forward to his discussion of the development of life forms in *L'Évolution créatrice* (1907; translated as *Creative Evolution*, 1911).

(4) That distinction is also the basis for the argument he develops about the nature of *freedom*. He avoids giving a definition of freedom because, as he puts it, to define it would be to deprive it of its true nature and hand the victory to determinism.[45] As he sees it, we are able to recognise our own freedom through our acts, more particularly through those acts that emanate from the integral totality of our personality, in the course of the continuous flow of time.[46] (The choice of the title *Time and Free Will* for the English translation of this work is therefore an accurate reflection of its central concerns.) In essence Bergson's argument here is about the unique nature of a seat of consciousness (a *moi*) that is free to act and thereby to create new conditions for its existence, and which therefore cannot be compared with any other force at work in the world.[47] These arguments are again carried forward to *L'Évolution créatrice*, where they are developed in an evolutionary perspective.

It is characteristic of Bergson's way of arguing that he seeks to expose the weaknesses in the arguments of others in order then to advance his own

preferred view as more plausible, and this is what often gives his thinking the appearance of being heavily dependent on the manner of its rhetorical presentation. In *L'Évolution créatrice* he aims to discredit those interpretations of biological phenomena that are based on either *mechanistic* or *finalistic* (teleological) assumptions, i.e. scientific approaches that adopt the categories of physics and chemistry. For Bergson, thinking in terms of mechanical causality is appropriate only to the interpretation of phenomena that our intellect has separated out from the continual passage of time, and therefore inappropriate to the interpretation of organic processes.[48] It is with this perception that he sets himself apart, not only from the dominant trends of scientific thinking since the nineteenth century, but also from such cosmological schemes as that of Leibniz, for whom 'organism' connotes the 'order and artifice' that are essential features of God's wisdom and is therefore 'not opposed to "mechanism", but rather a variety of it'.[49] For exactly similar reasons Bergson rejects *finalism* (as exemplified in Leibniz's conception of 'pre-established harmony') because it amounts to a kind of 'mechanism' in reverse, which assumes that all ultimate purposes are given from the outset and that there is no further possibility of creative development.[50] Bergson is more sympathetic to biological *vitalism*, i.e. the notion that organic development is determined by an internally given principle (the Aristotelian concept of *entelechy*, which Leibniz had adopted, was also introduced into biological discourse by the German zoologist Hans Driesch around 1900),[51] but he sees a difficulty with that position too. Nature, Bergson observes, knows neither a sense of purpose that is purely determined from within, nor a sense of individuality that can exist in isolation, so it is futile to seek a principle of finality located within the individual organism.[52] If none of these familiar biological positions is regarded as tenable, then, what conception of the evolutionary life force can Bergson offer us instead?

His view of the evolutionary process draws on the observation of phenomena that were of great interest to biologists themselves in Bergson's day. These include the general issue of adaptation to environment; the capacity for the regeneration of organs, which is more pronounced in some species of animal than in others; evidence of convergence in the development of particular organs (notably the eye) in species that are not directly related; and apparent evidence of abrupt development in some plant species and some marine creatures.[53] In Bergson's presentation of such evidence, it becomes suggestive of an *inherent* tendency within organic nature as a whole to develop continually in ways that display, firstly, directedness that is not necessarily aimed towards a predetermined goal, and secondly the capacity of organisms

to change and adapt in interaction with the environment they encounter. His explanation for the evident diminution of the impetus to develop and change in particular species, and also for the phenomena of ageing and death, is that the 'energy' that drives life encounters the 'resistance' of matter.[54] The mental image of the overall evolutionary process that he constructs is that of a complex bundle of trajectories (this meaning is implicit in the French word he uses: *gerbe*) emanating from an originary explosion, somewhat like a fireworks display. He even refers to the formulation for which *L'Évolution créatrice* is most commonly remembered – *élan vital* – as an *image*:[55] for him it represents the best attempt that the human imagination can make to visualise and to express in words the *intuition* of the ultimate reality of the natural world of which we are ourselves part. This brings us in turn to the epistemological dimension of Bergson's thinking.

Gilles Deleuze is commonly credited with having been the first to take Bergson's sense of method seriously;[56] and it is true that earlier commentators on Bergson's writings had often tended to regard his arguments and his manner of presenting them as inherently *un*methodical (A. O. Lovejoy, for example, described Bergson's philosophy as 'an extremely unstable compound of elements which are not merely ill-assorted but reciprocally antipathetic').[57] But this may largely have been a conditioned response to the ways in which he sets himself up in opposition to the conceptual schemes inherited from Descartes, Leibniz, Kant, and others. Deleuze, in his book *Le Bergsonisme*, constructs his argument about 'intuition as a method' around passages in which Bergson extends the notion of intuition to that of a conscious process of inquiry. He points, for example, to the imagery in which Bergson speaks of constructing a sense of the mental activity that took place around a moment of experience as evidence that intuition can take us beyond awareness of a particular experience to a perception of the 'conditions' of that experience;[58] and he extends this observation into a claim that Bergson's argument about the knowledge with which intuition can equip us takes us *not* in the direction of *concepts* (which would lead back to the Kantian analysis of the 'conditions of possibility' for knowledge in general), but of *percepts* that in turn serve to identify the articulations on which the *particularities* of experience depend.[59] The key steps in the 'method' that Deleuze delineates consist in, firstly, distinguishing true from false problems, secondly combating philosophical 'illusions' in order the better to recognise specific 'articulations of the real', and thirdly relating the resolution of problems to the experience of time (*durée*) as Bergson defines it. As a description of the conscious shift that Bergson encourages us to make this is broadly convincing,[60]

and it serves to highlight the reasons why Bergson's thought has often been seen to carry features of a radical empiricism.[61] But it significantly downplays another manifest dimension of Bergson's writings, namely his pretension to a renewal of *metaphysical* awareness and his claim that intuition can take us towards knowledge of the absolute. That aspiration is explicit in the texts from which Deleuze primarily derives his corroboratory evidence,[62] and when Bergson outlines his purpose in the introduction to *L'Évolution créatrice*, he speaks of wanting to develop a method that would transcend the logical systems constructed by philosophers in the modern period generally, by combining the theory of life with the theory of knowledge and, as he puts it, allowing them to enhance each other in an endless circular process.[63] Let us then consider, independently of Deleuze, how Bergson applies perceptions from the realm of biology in the development of the method he professes.

It is precisely in *L'Évolution créatrice* that Bergson develops his critique of scientific thinking along the lines that human intelligence (for which he uses the term 'intellect' interchangeably) should itself be considered a product of the evolutionary process: it has developed as an instrument for assessing and dealing with the physical environment in which we have to survive, and is therefore strongly associated with spatial awareness and the cognitive processes based upon it. Intuition on the other hand (which Bergson aligns very strongly with the notion of instinct) is the faculty that enables us to have cognition of life, of the continuity of time, and thus also of the character of the natural world as a whole. The biological evidence that he adduces for this part of his argument tends to focus on the behaviour of insects – the case of the wasp, for example, that is consistently able to sting a grub in a particular part of its anatomy so that it is not killed, but paralysed, and can therefore be consumed gradually.[64] As creatures of the natural world, he infers, human beings similarly have an ability to intuit the nature of the world of which they are part, but this ability has become attenuated in the course of time and overlaid by the development of the intellect. Not that he is straightforwardly arguing for the superiority of the one over the other: in a formulation worthy of Pascal, Bergson states that there are things that only the intellect is capable of seeking, but which on its own it would never find, whereas instinct can find them, but left to itself would never be impelled to seek.[65] The elaboration of that insight involves a pursuit of more flexible concepts than those inherited from earlier philosophers, as early analysts of his writings noted.[66] At the same time it is evident that Bergson's epistemology is designed to support and lend credence to his metaphysical vision of the world as an eternal process

of becoming, of the coming into being of the new and unforeseeable over time.[67]

It is in this dimension of Bergson's philosophy that we might recognise strong affinities with the thinking of the German Idealists, as indeed it appeared to German readers from the moment that *L'Évolution créatrice* was published.[68] Hans Driesch, in one of the very earliest reviews of the book saw a resemblance to Schelling's nature philosophy, particularly with regard to the sense of an opposition between life and matter, and to Schopenhauer in the discussion of an innate knowledge of things afforded by instinct.[69] Such comparisons were the subject of rich debate throughout the English- as well as the German-speaking world during the decade that spanned the First World War, and Bergson's detractors found them a very effective weapon to wield against him. Lovejoy, again, provided a succinct and vivid account of the perceived connections, arguing that Bergson's conception of the vital impulse closely resembles Schopenhauer's notion of the will in that it is characterised by 'purposiveness without prevision or conscious design'; and he detects strong echoes of Goethe and the young Schelling in Bergson's conception of nature as a realm of constant striving for renewal and self-transcendence.[70] As late as 1903, in his essay *Introduction à la métaphysique*, Bergson had indeed appeared to echo Schelling's use of the formulation 'intellectual intuition',[71] and only later, after developing his sharp distinction between intuition and intellect in *L'Évolution créatrice*, distanced himself from the phrase by placing it in quotation marks.[72] But those who scrutinised Bergson's arguments more closely soon recognised subtler complexities behind the development of his thinking.

A German doctoral thesis of 1917 confirmed the similarity in the outcomes of Schelling's and Bergson's inquiries, but also made it clear to what extent Schelling, by contrast with Bergson, continued to argue as a rationalist and on the basis of much the same premises as Kant. The author, Georg Jäger, was able to point to what was by then also common knowledge about the philosophical provenance of Bergson's thought: it was the 'spiritualist realism' of his nineteenth-century French predecessors, and of Félix Ravaisson (1813–1900) in particular. This tradition, Jäger concluded, had led Bergson to a still more pronouncedly 'panpsychistic' conception of the natural world than Schelling's 'world spirit'.[73] In his research, Jäger had been able to draw on the findings of René Berthelot's wide-ranging study of the relationship in which Bergson's thought stood to both Romantic and pragmatist philosophy, published in 1913, which had taken into account what was known about the personal contacts that had existed between Ravaisson

and Schelling. Berthelot concluded that the diffusion of Schelling's ideas in France in the 1830s had provided a stimulating intellectual ferment for the development of Bergson's thinking, but that instead of taking specific ideas from Schelling, Bergson had arrived at similar conclusions to Schelling's by following up ideas that he had first encountered in the works of Ravaisson.[74] Bergson's relation to Schopenhauer, whose writings he evidently knew well, was eventually clarified along similar lines. A publication in the *Jahrbuch der Schopenhauer-Gesellschaft* for 1929 demonstrated convincingly that Bergson's metaphysical vision of the life force was quite different from Schopenhauer's, even if some of the imagery deployed by Bergson, including that of the *élan vital*, may well have been influenced by particular formulations in Schopenhauer's writings.[75]

A more intriguing connection is suggested by the occasional references in *L'Évolution créatrice* to Fichte. Bergson had given a course of lectures on Fichte in 1898,[76] and this may help to account for the fact that the model of Fichte's *Wissenschaftslehre* seems readily to come to his mind, particularly at a point where he is also contrasting his own sense of philosophical purpose with that of Herbert Spencer. Bergson presents Spencer as a clear representative of mechanistic thinking in that he tries to reassemble the process of evolution from the fragments that that process has produced, rather than trying to grasp the essential nature of the process itself.[77] Earlier in the text he speaks of Spencer as starting from external reality and condensing it into an intelligible thought process (*intelligence*), by contrast with Fichte, who starts with a highly concentrated idea and expands it into an account of reality.[e] On the face of it, then, Bergson presents these two thinkers respectively as the ideal types of induction and deduction, and he is aiming to transcend both approaches by means of the intuition of the 'internal, living unity' that is the 'being' of which we are part.[78] But the Fichte expert Jean-Christophe Goddard has also argued that, when Bergson read the *Wissenschaftslehre*, what he saw was an apparently novel way of presenting the relation between two principles familiar from philosophical discussions in antiquity: the intellect and the sense of oneness. More particularly, in the thinking of the late Roman philosopher Plotinus (AD 204–270) Bergson had found a precedent for denying primacy to the intellect on the grounds that, by its very nature, it implies a separation out into subject and object, and is therefore not characterised

e. 'Fichte prend la pensée à l'état de concentration et la dilate en réalité. Spencer part de la réalité extérieure et la recondense en intelligence.' *EC*, 191

by the unity that is to be demanded of the absolute.[79] In a more recent study, Camille Riquier confirms this finding, pointing out that in Plotinus – with whom he customarily began his lectures on the metaphysical tradition – Bergson would also have encountered the conception of consciousness as the synthesis of all sensations (*synaisthesis*) which he frequently invokes.[80]

In the brief historical survey that he provides towards the end of *L'Évolution créatrice*, Bergson's main purpose is to contrast the thinking of the modern world in general with that of antiquity. He finds Descartes' representation of the dichotomy between body and soul more extreme than Aristotle's distinction between *psyche* and *soma*, and he sees the legacy of that dichotomy perpetuated by Spinoza and Leibniz.[81] When it comes to Kant, Bergson does not need to mention the criticisms made by Schelling or Hegel because his own criticism is directed against the alignment of Kant's arguments with post-Newtonian science which, in Bergson's view, 'filters' natural phenomena through 'intelligence'.[82] Nor does he need to engage with Schopenhauer in this connection, because his purpose is to refute what he calls the 'infra-intellectual' conception of intuition expounded in Kant's 'Transcendental Aesthetic', and to advance in its place the notion of a 'supra-intellectual intuition' that is capable of grasping the vital and the psychical, and thus also the absolute.[83] Bergson draws a clear distinction here between his own view and that of 'post-Kantian' philosophy in general, which he sees as having failed to let go of the notion of a 'unified science for all phenomena' – and in this connection he does allude to Hegel (a conception of the world as the realisation of an idea) and Schopenhauer (the world as the objectification of 'will') in order to repudiate both as (quasi-Spinozan) deductionists and to place them firmly in the 'mechanistic' camp.[84]

This is perhaps the clearest sign of how Bergson saw his own project in relation to that of the German Idealists. There is, however, one sense in which German philosophy was important to him in the exposition of his own thinking: it was in Kant that he often found the points of departure for his arguments, precisely because Kant's precepts and conclusions were unacceptable to him. As the doyen of Bergson scholarship, Frédéric Worms, has put it, Kant was to Bergson what Hume was to Kant. In the course of his writings Bergson can be seen progressively breaking down Kant's distinctions in order to reabsorb the various issues discussed in the *Critique of Pure Reason* into the functions of intuition.[85] Here we may also glimpse an element of continuity between the philosophy of Bergson and that of Georg Simmel.

Simmel

Simmel is most commonly remembered for his publications on a wide range of cultural issues, from social practices and gender relations, to art and fashion, urban culture and the money economy.[86] His writings have remained important stimuli to cultural inquiry in our own time, as they were for readers and listeners in his day, because they are often concerned with the complexity of relations *between* the aesthetic, the psychological and the sociological; and that interest in the diversity of factors at work in human behaviour is also reflected in his way of doing philosophy, which it is fair to regard as 'relationist' rather than 'relativist'.[87] Simmel problematises (as we would say nowadays) the notion of universally applicable concepts, and shows no sign of aspiring to knowledge of the absolute in the manner of Bergson or Schelling. He does frequently invoke the notion of 'totality' as a goal of hermeneutic inquiry, but he usually locates the unity of meaning that is to be striven for in the individual human subject, as Siegfried Kracauer noted in his helpful early description of Simmel's work,[88] and it is when he seeks to articulate *how* we might achieve an understanding of the historically developing human world that we are most likely to find him reflecting on particular elements of the post-Kantian heritage.

Simmel was fond of bringing one line of thinking into play alongside another in order to tease out the senses in which the two might mutually inform each other, and for this purpose he often chose sets of ideas that were likely to strike his readers as antithetical. In an essay on Kant and Goethe, for example, which he originally published in 1906 and elaborated further in 1916, he presents the two historical figures as representatives of contrasting approaches to a shared aim, that of overcoming the opposition between materialism and spiritualism. Kant, in this context, appears as the philosopher who made it possible to conceive of both matter and spirit as human mental constructs (*Vorstellungen*), but within a 'mechanistic' world-view; Goethe, on the other hand, is the thinker for whom the distinction falls away because he can conceive of both matter and spirit as having absolute value within a 'vitalistic' world-view.[89] Simmel recalls the rallying cry 'Back to Kant!' that had epitomised the post-Idealist phase of the mid-nineteenth century, and echoes the perception around 1900 that 'Back to Goethe!' had become a necessary corrective to that earlier trend.[90] But then, in his final note, he anticipates that a time will come when the perceived opposition between Kant and Goethe will have been resolved into a more encompassing

world-view.[91] In a similar vein we find him, in a major essay of 1910, picking his way among key features in the development of German Idealism that he evidently continues to regard as indispensable points of orientation.

In that context Simmel expressly endorses Hegel's critique of Fichte's subjectivism, emphasising the importance of the concept as a prefashioned ideational form (*Gestalt*) and as the means by which the mind achieves objectivity. Cognition, in this view of the matter, is more than a momentary act of consciousness; it is, rather, an act of mental representation (*Vorstellen*) that *contains* the objects of perception in intellectual *form*, and is capable of acting as the vehicle of objective intellection.[f] The concept, in Simmel's elaboration of this point, is the most elementary manifestation of the *content* of cognition, which enables the mental act to contain the 'truth' about external forms by virtue of being the *common ground* between the subjective psychic process and the external objects of consciousness.[92] His thinking about the 'form' and 'content' of cognition has been found to be inconsistent in certain respects,[93] but it is clear from this passage alone that he is pursuing a conception of the human mind at work that owes considerably more to the legacy of German Idealism than it does to the perceptions of Bergson.

Schelling's conception of the absolute (as a condition of 'indifference' or 'identity' standing above all distinctions between the universal and the particular or between subject and object) appears to interest him only as a view to be eliminated from his discussion of how to reconcile unity with diversity.[94] But he does embrace what he calls Hegel's 'fundamental metaphysical principle', i.e. the unity of the spirit that unfolds itself in cognition, which Simmel is content to call the 'metaphysical reality' of the 'idea' that realises itself as 'objective spirit'.[95] The Hegelian cast of his thinking about historical and cultural processes is obvious when he goes on to speak of the 'idea' as the 'absolute reality' that is expressed in concepts and logical developments, and which is the 'eternally *becoming*' being that manifests itself in all physical and psychical events.[g] That powerful underlying sense of the continual dynamic of human experience is also strongly apparent in Simmel's critique of Kant's model of cognition.

f. 'Erkennen ist mehr als bloßes Vorstellen, als der momentane Bewußtseinsakt des Subjekts, es ist das Vorstellen, das die Dinge *in der Form des Geistes* in sich enthält . . . oder der Träger der geistigen Objektivität ist.' *GSG* XIV, 70

g. 'Die Idee, der in Begriffen und logischen Entwicklungen ausgedrückte Sinn der Dinge ist ihre absolute Realität, in aller physischer und psychischer Erscheinung als das eigentlich und allein Seiende lebendig. . . . Dieses Sein ist ein unaufhörlich *werdendes*.' *Ibid.*, XIV, 73

In the lectures on Kant that he published in 1904, Simmel describes Kant's 'Transcendental Analytic' as a useful conceptual apparatus, but considers the terms in which it is couched to be circumscribed by the historical perspectives of Kant's time. He accepts as self-evident the notion that the constitution of the perceiving subject is a fundamental condition of the cognitive process, but argues that no statement about specific cognitive acts automatically follows from this. For Simmel the a priori conditions of our cognition are themselves inextricably involved in the ever-changing 'tissue' (*Gewebe*) of our knowledge so that, as with all psychological inquiry, we can only hope to progress towards a precise understanding of their particular manifestations gradually and cumulatively.[96] Where Hegel had objected to Kant's separation of the forms of thought from the nature of being,[97] Simmel expands the purview of the argument to encompass the role of *experiential factors* in determining the forms of thought.[98] His view of Kant resembles Bergson's to the extent that he sees him as trying to establish the conditions of possibility for *scientific* inquiry as it was understood in Kant's day, and he speaks of it as being more in tune with the concerns of his own time to bring the rhythms of organic existence and the sense of never-ending development into consideration.[99] He even argues that Kant's static, quasi-geometric a priori structures betray a 'secret scepticism towards life' (which is why they had not appealed to Goethe).[100] But as he puts it, the notion of a 'transcendental' structure of the mind remains important because it reminds us what our mind *is*: the mind does not possess such structures, it consists of them.[101]

Neo-Kantian critics have identified two kinds of difficulty with Simmel's thinking. One is that he gives the Hegelian notion of the spirit objectifying itself as culture a negative inflection, reinterpreting it as a necessarily tragic process. In a notorious essay of 1911 he writes of a 'general fate' of the constituent elements of human culture that consists in their acquiring their own developmental logic, which in turn constrains the subsequent activity of human beings.[102] This aspect of Simmel's thinking drew a firm rebuke from Ernst Cassirer, who argues in *The Logic of the Cultural Sciences* that, on the contrary, historical development brings with it a cumulative *increase* in culture, to which the human individual always has the potential to contribute by transforming, through interpersonal action, the legacy that s/he has inherited.[103] It is a resolutely Kantian perspective that Cassirer offers in place of Simmel's: the goal of culture, he writes, is 'not the realisation of happiness in this life but the realisation of freedom, of that genuine autonomy that consists not in the technical mastery of man over nature but in man's moral mastery over himself'.[104] The other difficulty relates to the deliberately

antisystematic character of Simmel's arguments, which attracted immediate reproval from Rickert and other neo-Kantians.[105] It is the indeterminacy of inquiry that Simmel incurs by virtue of his focus on the individual manifestations of human experience. In a sense, however, this difficulty contains signs of what prompted other new departures in twentieth-century philosophy.

The 'view of life' (*Lebensanschauung*) that Simmel elaborated in the decade before his death in 1918 is the closest he came to describing his metaphysical vision, and it is again presented in terms of the interaction between various domains of human experience. His text explores questions of individuality and the challenge that psychological complexities pose for any conception of moral obligation; the integration of death within our conception of life; and the relationship in which ideas stand to the processes and experiences of life. His underlying premise, however, is that life constantly transcends itself in two senses: it perpetually seeks to go beyond the boundaries that temporarily define it (in this sense it is always 'living more', 'Mehr-Leben'), and the knowledge of it always entails a transcendence of it in turn (it is 'more than life', 'Mehr-als-Leben').[106] Simmel had spoken in 1911 of life as the potential basis for a metaphysics that would replace the dogmatism of inherited systems of philosophy, describing his goal as a shift of attention from the 'terminus ad quem' to the 'terminus a quo' of philosophical endeavour.[107] This argument appears in the introduction to a collection of essays which, he acknowledged, was notable for the heterogeneity of its subject matter, and to which he gave a programmatic title: *Philosophische Kultur* (*Philosophical Culture*). Rather than systematically elaborating a particular set of ideas, he wrote, philosophy should be seen as an attitude of mind and a ceaseless process that should be understood in terms of its functionality rather than its content.[108] In so far as Simmel's view of life is one of infinitely variable complexity, it is understandable that Rickert should have perceived his arguments as the epitome of intellectual instability and a demonstration of the futility of basing any philosophy on the notion of life. But by the same token, the multifariousness of the factors that he felt obliged to take into account indicates why the new philosophical directions that followed sought in one way or another to supersede the models inherited from German Idealism. The key moves of the 1920s, after all, are on the one hand the progression via Husserl's phenomenology to Heidegger's ontology, which treats interpretation (*Auslegung*) as a function of our very *being* in the world,[109] and on the other hand the effective abandonment of any concern with developing metaphysical schemes in favour of a focus on how we *speak* of the world we inhabit, as pioneered by Wittgenstein.

Notes

1. See Steven E. Aschheim, *The Nietzsche Legacy in Germany, 1890–1990* (Berkeley: University of California Press, 1992); R. Hinton Thomas, *Nietzsche in German Politics and Society, 1890–1918* (Manchester: Manchester University Press, 1983); Gunter Martens, *Vitalismus und Expressionismus* (Stuttgart: Kohlhammer, 1971), 31–102.
2. Cf. Christopher Clark, *Iron Kingdom: the rise and downfall of Prussia 1600–1947* (London: Penguin Books, 2006), 431–5.
3. See Wolfgang Riedel, *'Homo Natura': literarische Anthropologie um 1900* (Berlin: De Gruyter, 1996), 41–77; Herbert Schnädelbach, *Philosophy in Germany 1831–1933* (Cambridge: Cambridge University Press, 1984), 143–5.
4. Friedrich Wilhelm Schelling, *Schöpferisches Handeln*, ed. Emil Fuchs (Jena: Eugen Diederichs, 1907). For the background circumstances to the publication, see Irmgard Heidler, *Der Verleger Eugen Diederichs und seine Welt (1896–1930)* (Wiesbaden: Harrassowitz, 1998), 238–42; also 333–52, for the extensive presence of nature philosophy and *Lebensphilosophie* in Diederichs' programme. For a thorough characterisation of Diederichs' activities and his underlying thinking, see George L. Mosse, *The Crisis of German Ideology: intellectual origins of the Third Reich* (New York: Grosset & Dunlap, 1964), 52–66.
5. Heidler, *Der Verleger Eugen Diederichs*, 335; cf. 342.
6. Max Scheler, 'Versuche einer Philosophie des Lebens: Nietzsche–Dilthey–Bergson', *Gesammelte Werke* III (Bern: Francke, 1955), 311–39.
7. Heinrich Rickert, *Die Philosophie des Lebens: Darstellung und Kritik der philosophischen Modeströmungen unserer Zeit* (Tübingen: J. C. B. Mohr (Paul Siebeck), 1920), 26.
8. Cf. Peter Ulrich Hein (ed.), *Georg Simmel (Auslegungen)* (Frankfurt am Main: P. Lang, 1990), 11.
9. Otto Friedrich Bollnow, *Die Lebensphilosophie* (Berlin: Springer, 1958), 141–3.
10. See Horst Jürgen Helle, *Soziologie und Erkenntnistheorie bei Georg Simmel* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1988), 40–4.
11. For a full analysis of their relationship, see Gregor Fitzi, *Soziale Erfahrung und Lebensphilosophie: Georg Simmels Beziehung zu Henri Bergson* (Constance: UVK Verlagsgesellschaft, 2002).
12. See Paul Guyer, 'Absolute idealism and the rejection of Kantian dualism', in Karl Ameriks (ed.), *The Cambridge Companion to German Idealism* (Cambridge: Cambridge University Press, 2000), 37–56.
13. Immanuel Kant, *Kritik der reinen Vernunft*, ed. Wilhelm Weischedel (Frankfurt am Main: Suhrkamp, 1974), 144 (B145); Guyer, 'Absolute idealism', 52–3.
14. Hans-Georg Gadamer, *Truth and Method*, trans. Joel Weinsheimer and Donald G. Marshall (rev.) (2nd edn, London: Sheed & Ward, 1989), 230–3.
15. *Ibid.*, 229–30 and 232. These moves can be seen as part of Gadamer's strategy to expose the ahistoricity of Idealist philosophy; see Kristin Gjesdal, *Gadamer and the Legacy of German Idealism* (Cambridge: Cambridge University Press, 2009).
16. Gadamer, *Truth and Method*, 235–6.
17. *Ibid.*, 234 and 242.
18. *Ibid.*, 235; cf. 306–7.

19. *Ibid.*, 237.
20. See Schnädelbach, *Philosophy in Germany 1831–1933*, 33–64.
21. Wilhelm Dilthey, *Gesammelte Schriften*, 26 vols. (vols. I–IX and XI–XII, Leipzig and Berlin: B. G. Teubner, 1921–36; vol. X, Stuttgart: B. G. Teubner, 1958; vols. XIII–XXVI, Göttingen: Vandenhoeck & Ruprecht, 1970–2005) (hereafter *GS* (Dilthey)), V, 9).
22. See *GS* (Dilthey), V, 48.
23. Rudolf A. Makkreel, *Dilthey: philosopher of the human studies* (Princeton, NJ: Princeton University Press, 1992), 335; cf. *GS* (Dilthey), V, 35.
24. *GS* (Dilthey), V, 58.
25. *Ibid.*, 43; cf. 50–8. For a fuller account of the ways in which Dilthey positions himself relative to positivism, Idealism and Kant, see also Charles R. Bambach, *Heidegger, Dilthey and the Crisis of Historicism* (Ithaca, NY: Cornell University Press, 1995), 136–48.
26. *GS* (Dilthey), V, 35. The allusion is to Kant's essay on the notion of a universal history, 'Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht' (1784).
27. Hermann Lotze, *Logik* (Leipzig: Weidmann'sche Buchhandlung, 1843); Christoph Sigwart, *Logik* (Tübingen: Laupp, 1873–8).
28. *GS* (Dilthey), V, 77. See Kant, *Kritik der reinen Vernunft*, 69–70 (A20/B34). Cf. also Wilhelm Dilthey, *Selected Writings*, ed. H. P. Rickman (Cambridge: Cambridge University Press, 1976), 14–16.
29. *GS* (Dilthey), V, 88.
30. *Ibid.*, 83f.
31. *Ibid.*, 85.
32. *Ibid.*, 77–9; cf. Carl Stumpf, *Psychologie und Erkenntnistheorie* (Munich: Akademie der Wissenschaften, 1891).
33. Cf. Paul Ricoeur, *Hermeneutics and the Human Sciences* (Cambridge: Cambridge University Press, 1981), 48–9.
34. *GS* (Dilthey), V, 84.
35. Wilhelm Dilthey, 'The construction of the historical world in the human sciences', in Dilthey, *Selected Writings*, 168–245; 'The formation of the historical world in the human studies', in Wilhelm Dilthey, *Selected Works*, ed. R. A. Makkreel and F. Rodi, vol. III (Princeton, NJ: Princeton University Press, 1996), 101–209.
36. Gadamer, *Truth and Method*, 225–6; cf. also Ricoeur, *Hermeneutics and the Human Sciences*, 52–3 and 152.
37. Wilhelm Dilthey, *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften*, in *GS* (Dilthey), VII, 151.
38. Makkreel, *Dilthey*, 307–8.
39. *Ibid.*, 308–9, citing *GS* (Dilthey), VII, 146.
40. Gadamer, *Truth and Method*, 226.
41. *GS* (Dilthey), VII, 290. Cf. Gadamer, *Truth and Method*, 237.
42. See, for example, *GS* (Dilthey), VII, 151; cf. Bambach, *Heidegger, Dilthey and the Crisis of Historicism*, 170.
43. Henri Bergson, *Essai sur les données immédiates de la conscience*, critical edition, ed. Frédéric Worms and Arnaud Bouaniche (Paris: Presses Universitaires de France, 2007) (hereafter *DI*), 165–6.
44. *DI*, 173–7.

45. *Ibid.*, 165.
46. *Ibid.*, 129 and 165–6.
47. *Ibid.*, 107.
48. Henri Bergson, *L'Évolution créatrice*, critical edition, ed. Frédéric Worms and Arnaud François (Paris: Presses Universitaires de France, 2007) (hereafter *EC*), 37–9.
49. Justin E. H. Smith, 'Leibniz and the life sciences', in Brandon C. Look (ed.), *The Continuum Companion to Leibniz* (London: Continuum, 2011), 259–74, at 264.
50. *EC*, 39–40.
51. See, for example, Hans Driesch, *The History and Theory of Vitalism* (London: Macmillan, 1914).
52. *EC*, 42–3.
53. *Ibid.*, 62–5. For these points Bergson draws on William Bateson, *Materials for the Study of Variation: treated with special regard to discontinuity in the origin of species* (London: Macmillan & Co., 1894), and Hugo de Vries, *Die Mutationstheorie* (Leipzig: Verlag von Veit, 1901–3).
54. *EC*, 95–8.
55. *Ibid.*, 248 and 258.
56. Cf. Camille Riquier, *Archéologie de Bergson: temps et métaphysique* (Paris: Presses Universitaires de France, 2009), 19–21.
57. Arthur Oncken Lovejoy, *Bergson and Romantic Evolutionism* (Berkeley: University of California, 1914), 8.
58. Gilles Deleuze, *Le Bergsonisme* (Paris: Presses Universitaires de France, 1966), 17, citing Bergson, *Matière et mémoire*, ed. Frédéric Worms and Camille Riquier (Paris: Presses Universitaires de France, 2008), 205–6; cf. 153.
59. Deleuze, *Le Bergsonisme*, 19, citing Bergson, *La Pensée et le mouvant*, ed. Frédéric Worms *et al.* (Paris: Presses Universitaires de France, 2009), 148–9.
60. Bergson explicitly characterises intuition as the opposite of analysis in his 'Introduction à la métaphysique' (1903). See *La Pensée et le mouvant*, 224–5.
61. For an excellent summary of the senses in which Bergson had sought to revive metaphysics by combining the scientific method of positivism with a spiritualist conception of reality, see Ernst Behler, 'Der Beitrag Henri Bergsons zur Gegenwartsphilosophie', *Hochland* 55 (1962/3), 417–29, at 420.
62. See Bergson, *La Pensée et le mouvant*, 149, on 'unity of perception' as an aim; also *Matière et mémoire*, 200–3, on the *metaphysical* problem of the relation between body and soul, and 246–51, on memory as a manifestation of the spirit.
63. *EC*, ix–x.
64. *Ibid.*, 173–4.
65. *Ibid.*, 152.
66. Cf. Scheler, 'Versuche einer Philosophie des Lebens', 327–8; Roman Ingarden, 'Intuition und Intellekt bei Henri Bergson: Darstellung und Versuch einer Kritik', *Jahrbuch für Philosophie und Phänomenologische Forschung* 5 (1922), 285–461, at 396.
67. See especially *EC*, 194–200.
68. For a full discussion of the German reception of Bergson, see David Midgley, '"Schöpferische Entwicklung": zur Bergsonrezeption in der deutschsprachigen Welt um 1910', *Scientia Poetica* 16 (2012), 12–66.

69. Hans Driesch, 'Bergson, der biologische Philosoph', *Zeitschrift für den Ausbau der Entwicklungslehre* 2, nos. 1–2 (1908), 48–55, at 51–2.
70. Lovejoy, *Bergson and Romantic Evolutionism*, 24–33. Rickert, *Die Philosophie des Lebens*, 22, also assigns Bergson to the 'Romantic' tradition that includes Schelling and Schopenhauer.
71. Bergson, *La Pensée et le mouvant*, 220.
72. *Ibid.*, 445 (editor's note).
73. Georg Jäger, *Das Verhältnis Bergsons zu Schelling: ein Beitrag zur Erörterung der Prinzipien einer organistischen Weltauffassung* (Hamburg: Lütke & Wulff, 1917), 18–19, 27, 45–6.
74. René Berthelot, *Un Romantisme utilitaire: étude sur le mouvement pragmatiste* II: *Le Pragmatisme chez Bergson* (Paris: F. Alcan, 1913), 84–121, esp. 103: 'Il semble que l'esprit de Bergson[,] travaillant dans la direction que lui avait imprimée de bonne heure la pensée de Ravaisson, a retrouvé par son propre travail certaines des conclusions de Schelling.' See also Yvette Conry, *L'Évolution créatrice d'Henri Bergson: investigations critiques* (Paris: L'Harmattan, 2000), 265–8; Jean-Michel Le Lannou, 'L'Anti-idéalisme de Bergson', *Études Philosophiques* 59, no. 4 (2001) (special issue, *Bergson et l'idéalisme allemand*), 419–37.
75. Peter Knudsen, 'Die Bergsonsche Philosophie in ihrem Verhältnis zu Schopenhauer', *Jahrbuch der Schopenhauer-Gesellschaft* 16 (1929), 3–44. Of the *élan vital* in particular, Knudsen writes (p. 43), 'Daß der "Lebensschwungkraft" in Schopenhauers "Willen" seinen Ursprung hat, ist wohl unbestreitbar; aber niemand kann aus Schopenhauers Schriften allein die eigentümliche schöpferische Wirkungsweise herauslesen, die dieser Faktor, das Bild des Lebensstromes, auf dem Gebiete des organischen Lebens und der menschlichen Seelentätigkeit ausübt.' He also sees no precedent for Bergson's notion of 'durée pure'.
76. See Henri Bergson and Octave Hamelin, *Deux cours sur Fichte*, ed. Philippe Soulez and Fernand Turlot (Strasbourg: Presses universitaires de Strasbourg, 1989).
77. *EC*, 363.
78. *Ibid.*, 200. When presenting his conception of 'metaphysical intuition' in 'Introduction à la métaphysique', Bergson explicitly speaks of aiming to surpass both idealism and realism: *La Pensée et le mouvant*, 206.
79. Jean-Christophe Goddard, 'Bergson: une lecture néo-platonicienne de Fichte', *Études Philosophiques* 59, no. 4 (2001) (special issue, *Bergson et l'idéalisme allemand*), 465–77, at 471.
80. Riquier, *Archéologie de Bergson*, 232. Riquier points in particular to passages in *Matière et mémoire* (247) and *L'Évolution créatrice* (261) in illustration of the significance of Plotinus for Bergson.
81. *EC*, 345–55.
82. *Ibid.*, 356; cf. 196.
83. *Ibid.*, 359; cf. *DI* 69. Cf. Frédéric Worms, 'L'Intelligence gagnée par l'intuition? La relation entre Bergson et Kant', *Études Philosophiques* 59, no. 4 (2001) (special issue, *Bergson et l'idéalisme allemand*), 453–64, at 455. Worms also draws attention to a passage in 'Introduction à la métaphysique' where Bergson speaks of Kant pushing the independence

of reason to extremes ('Il a exaspéré l'indépendance de l'entendement'); *La Pensée et le mouvant*, 220.

84. *Ibid.*, 361–2.
85. Worms, 'L'Intelligence gagnée', 458 and 464.
86. For a concise overview in English, see David Frisby, *Georg Simmel* (London: Routledge, 2002).
87. Helle, *Soziologie und Erkenntnistheorie bei Georg Simmel*, esp. 101–8.
88. Siegfried Kracauer, 'Georg Simmel' (1920), in *Das Ornament der Masse* (Frankfurt am Main: Suhrkamp, 1977), 209–48, at 243.
89. Georg Simmel, *Gesamtausgabe* (Frankfurt am Main: Suhrkamp, 1989–2008) (hereafter *GSG*), VIII, 117–19; X, 131 and 142 (cf. also 164–6).
90. *Ibid.* VIII, 120; cf. *ibid.* X, 127.
91. *Ibid.* X, 166.
92. *Ibid.* XIV, 70.
93. See Rudolph H. Weingartner, *Experience and Culture: the philosophy of Georg Simmel* (Middletown, CT: Wesleyan University Press, 1962), 21–40.
94. *GSG* XIV, 89–93.
95. *Ibid.*, 72–3.
96. *Ibid.* IX, 35–8.
97. G. W. F. Hegel, *Enzyklopädie der philosophischen Wissenschaften im Grundrisse*, pt 1, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), VIII, 116–19, § 42; cf. Guyer, 'Absolute idealism', 38.
98. For a full exploration of the relation between Simmel's thought and Kantian epistemology, see Heinrich Adolf, *Erkenntnistheorie auf dem Weg zur Metaphysik: Interpretation, Modifikation und Überschreitung des kantischen Apriorikonzepts bei Georg Simmel* (Munich: Herbert Utz, 2002).
99. *GSG* IX, 38–9.
100. *Ibid.*, 39.
101. *Ibid.*, 44–5.
102. *Ibid.*, 410–11. The negative reinterpretation of Hegel is explicit in the continuation of this passage (p. 411): 'Es ist der Begriff aller Kultur, daß der Geist ein selbständig Objektives schaffe, durch das hin die Entwicklung des Subjektes von sich selbst zu sich selbst ihren Weg nehme; aber eben damit ist jenes integrierende, kulturbedingende Element zu einer Eigenentwicklung prädeterminiert, die noch immer Kräfte der Subjekte verbraucht, . . . ohne doch diese damit zu der Höhe ihrer selbst zu führen'.
103. Ernst Cassirer, *The Logic of the Cultural Sciences*, trans. S. G. Lofts (New Haven: Yale University Press, 2000), 105–10; 'Die "Tragödie der Kultur"', in *Zur Logik der Kulturwissenschaften*, Göteborgs högskolas årsskrift 48 (Gothenburg: Elanders boktryckeri aktiebolag, 1942), 113–39, at 115–21.
104. Cassirer, *Logic of the Cultural Sciences*, 104.
105. See, for example, Max Frischeisen-Köhler, 'Georg Simmel', *Kant-Studien* 24 (1919), 1–51.
106. *GSG* XVI, 212–35; Georg Simmel, *The View of Life*, trans. John A. Y. Andrews and Donald N. Levine (Chicago: University of Chicago Press, 2010), 1–17.

107. *GSG* xiv, 165.
108. *Ibid.*, 162.
109. Hans-Georg Gadamer testifies to the close interest that Heidegger took in Simmel's late writings (*Truth and Method*, 242–3 n. 138), as well as in Bergson (see Midgley, '"Schöpferische Entwicklung"', 61–2) while he was developing his own philosophy.

8

'Rationalisation', 'reification', 'instrumental reason'

Fred Rush

Idealism in the history of European philosophy has taken, broadly speaking, two main forms. In the first, the term 'idealism' refers to the view that the ultimate constituents of reality, and thus the ultimate objects of possible human intellection are entities called 'ideas'. Such entities are mind-independent; cognitive access to them involves decreasing to a minimum obstacles native to being human impinging on that access, sharpening special capacities that enable such access, or both. Plato's theory of forms is this sort of account. An idea or form (εἶδος, ἰδέα) is a fundamental structure of the world and knowing one, or a system of them, is a matter both of diminishing the effect on human cognition of transient, misleading sensuous and dispositional elements in experience and developing a special sort of intuition that can 'see' the idea in question.

The second type of idealism conceives of the structure of what is real on the model of structur*ing*, i.e. in roughly intentional terms. In this tradition, ideas are mental items, hence not mind-independent, and are only with substantial qualification fundamental constituents of reality. What systematises such items is a theory of human reason and this, more than anything else, is why it is appropriate to consider idealist philosophy of this mien under the heading 'rationalism'. There are several differing and systematic renderings of why rationalism emerged as one of the dominant trends in modern philosophy, but all stress in various ways the advent of new and powerful models in physics and other sciences that had the effect of leaching out of the idea of reality any purposive structure. Ideas are closely related to ends, even in antiquity, and the problematic status of *de re* purposes in modern philosophy,

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which was strongly responsive to the accumulation of scientific discoveries leading up to Newtonian mechanics, resulted in ideas being relegated to the subjective side of the cognitive equation and a consequent exacerbation of the problem of access to reality through such ideas. The word 'through' is no throwaway: ideas both are the means by which one can comprehend reality and potential blocks to that comprehension. It is only by the dual processes of policing the content of the ideas and by soundly accumulating them that objectivity is preserved. There is no intuition of objective order on this picture of things; ideas achieve maximal objectivity and truth to the extent that they advance en masse and ever-increasingly. Kant's account of what he takes to be the transcendentally necessary ideational structure of invariant subjectivity, including both what he terms 'constitutive' and 'regulative' rules for cognition (i.e. 'concepts' and 'ideas'), is an especially striking attempt to thrive theoretically at the diminishing margins of the distinction between the 'ideal' and the 'real'. Kant's attempt to 'cover' or 'make lawful' the relation, on the one hand, of nature and, on the other, of ideas is a variant of a problem embedded in modern European philosophy generally. Appeals to a structuring agency claimed to be responsible for both the structure of the world, of ideas, and of their connection to one another are typical. The obvious candidate theories are those that deploy arguments from purported conceptual resources to the reality of God, whose function it is to secure the isomorphism in question: e.g. the ontological proofs of Descartes or Leibniz. Kant's statement that arguments from design are superior to classical ontological arguments (although they are, too, in the end wanting) should not obscure the fact that Kant's own vouchsafing device is also generated out of what he takes to be conceptual resources – this time the 'demands of reason'. Later rationalistic Idealists like Hegel attempt to further cleanse the world order of requirements exogenous to reason; this is the impetus for Hegel's rejection of the related concepts in Kant of a thing-in-itself and of a transcendental regulative idea – they are extra-rational intrusions mandated by an incomplete theory of reason. This rejection of Kant on this point is achieved by reincorporating elements of Platonic idealism into rationalistic Idealism. It is only with Kierkegaard, Marx and Nietzsche that there is a definitive break away from this current; the origins of analytic philosophy are thoroughly 'Idealist', if but in an extended sense.

What could this Idealist legacy possibly offer to modern European social thought? Could it be a 'legacy', properly speaking, for social philosophy at all? The answers to these questions are mixed. Later nineteenth- and twentieth-century reactions to Idealism, many of which were decidedly negative, are

sources for many central ideas in modern social philosophy. One might think that is a legacy of a peculiar, *ex negativo* sort. But, as reflection on one's own family tree often betrays, rejection can be a form of legacy. I shall discuss the legacy of German Idealism in connection with three concepts central to modern European social theory: 'rationalisation', 'reification' and 'instrumental reason'. All three concepts figure together in many such theories, but the precise relation of these concepts to one another is often poorly understood. Considering these concepts in light of their Idealist legacy can illuminate this relation, especially in virtue of the modifications to Idealism that typify each of the concepts.

Rationalisation

The concept of rationalisation comes into the mainstream through the work of Weber. Weber's Idealist roots are generally well-known, but academic philosophical study of Weber's Idealism tends to view him as providing a social-scientific solution to architectonic issues left over from German Idealism, e.g. the unity of theoretical and practical reason, and does not lay stress on the question of what may be carried forward, if anything, of the Idealist legacy by means of the concept of rationalisation.[1] Weber's discussion of rationalisation is not centralised in any one of his works and he never offers anything like a definition of 'rationalisation', yet the term figures prominently from the early *The Protestant Ethic and the 'Spirit' of Capitalism* (1904/5) to the posthumously published *Economy and Society* (1921). Rationalisation is a process through which experience generally, and social-theoretical understanding of that experience as well, comes to be dominated by the ideals and practices of exactness that gave rise to the modern physical sciences. The key idea is that of the systematic conversion of quality into quantity within experience.

Prior to rationalisation, positive social value resided primarily in custom, kinship, tradition and religious rite. Calvinist and other Reformation religious thinking conceived of work and the economic gain that results from it as worshipful. This Reformation attitude arises, hypothesises Weber, so that Protestants could provide a surrogate for the assurances of salvation that submission to clerical authority afforded Roman Catholics in virtue of priestly ritual. Doctrines of predestination, Weber held, gave such assurances to the born-saved but external signs of salvation were excluded. Personal self-confidence in one's election is the surrogate, but it is not externalised, as 'true' signs demand.[2] Economic wherewithal answers to this requirement of

externalisation. This tendency was carried further in Pietism and its secular philosophical variant, ethical Kantianism. This ascetic religious strand of thought, which might superficially look like it would stand over and against the secular development of capitalism was, indeed, not only part of that development but a main part of it, making such development 'comfortable to the soul'.

Rationalisation is, however, a broader phenomenon than monetary Puritanism or Ben Franklinesque thrift *an sich* (one of Weber's pet examples).[3] It is part and parcel of a wider social development in which thoughts and actions come to be evaluated positively mostly in terms of ends-efficiency and calculability. It is not going too far to say that modern sociology grew along with this trend and takes it to be one of its first major objects of study. In fact, the battle between social-scientific positivism of Comte and Durkheim and the more ideal-oriented, non-positivistic school of Troeltsch and Weber is pitched in just these terms: i.e. whether or not the methodologies developed in the physical sciences are apt for the explanation of 'social facts'. Rationalisation consists, then, in a reduction or near reduction of the many forms of rationality and reason to one species of rationality – calculation. Calculation is the focus of reduction because it answers to modern requirements for abstraction, i.e. calculation seems itself valueless, neutrally applicable to almost any object, and precise when done correctly. This allows for an invariant and systematic way to assess goods and evils. Of course, numbers don't apply themselves to social phenomena; humans decide what the numbers mean in given contexts. The point is, rather, that the overwhelming emphasis given to calculation in social evaluation (and ultimately in experience) makes experiences radically non-singular and thus incapable of other modes of evaluation. This is the sense in which quantity displaces quality generally in experience under conditions of rationalisation.

Moreover, rationalisation's transfer of value from quality to quantity is *itself* increasingly quantitative; such evaluations become objects of tighter and tighter social administration, where outcomes of action are tracked scrupulously, in turn normalising action-types according to measurable outcomes. Capitalism is the economic modality expressive of greater and greater rationalisation, and as it advances to its efficient limit, money sloughs off its symbolic economic function as a measure and becomes the exclusive value-bearing item.[4] Weber did not think rationalisation an entirely bad thing; legislative authority, which requires rationalisation as a precondition, is an improvement over monarchic or politically charismatic autocracy. Nonetheless, rationalisation, especially in connection with modern political

and economic institutions, results in bureaucracy and its undertow, the effect of which strongly tends toward dehumanisation.[5]

Reification

The term 'reification' (*Verdinglichung*) is given perhaps its most well-known statement by Marx in his treatment in the first volume of *Kapital* of the fetish character of commodities,[6] but its meaning has been focused in terms of Lukács's analysis.[7] Reification is a process through which one treats an idea as if it were a thing (*res*), i.e. as an object that is not a product. Of course, one might say that one can always treat an idea as a thing as an exercise of imagination, and that might eventually be theoretically productive. But Marx is not interested in the explicit theoretical role of fictions. His analysis concerns a generalised aspect of 'ordinary' experience. For Marx, all ideas are results of human agency (are 'products') and to treat an idea as if it were not a product (and to not realise that one was doing so) is an error. Of course this is not a simple mistake, a psychopathic state in which one might actually mistake people for things, or a Cartesian one in which one might entertain the thought for sceptical purposes. Rather, like rationalisation, reification is a social process or operation, the outcome of which is a certain way of understanding the value of one's actions. Like rationalisation, reification is 'alienating' and dehumanising – in fact, it is so by definition. It sunders the possibility that one can relate oneself cognitively and affectively towards one's labour, the primary means for self-awareness and development of one's capacities according to Marx. Put slightly more abstractly, reification separates objects from their initial contexts as standing in social relations with one another, thereby stripping them of their meanings, and recombines them in ways that are radically non-social.

Both Marx and Lukács treat reification as a form of thinking that is conceptually proximate to commodity economics.[8] As is true with such Hegel-inspired views, it would be unproductive to try to understand the relation of reification by first trying to specify the ontological nature of the relata (here, the subject and object) and *then* understand the relation in terms of them. Rather, the relation is the primary part of the structure and it is by understanding it that one can clarify deviations, if there are any, in the nature of the subjects and objects involved. The main feature of reification that Lukács wants to explicate is the appearance of inalterability it confers on the objects on which it operates. Capital markets are 'objects', in the sense that they are human products that are treated as if they are intractable

natural processes. This is not to say of course, that one cannot operate within markets in differential ways and alter the arrangement of their constituent parts. Commodity trading accomplishes this. It is rather that the system itself does not qualify as a candidate for change. Lukács, in essence, reverses the polarity of the Dilthey–Windelband–Rickert *Natur-* and *Geisteswissenschaft* distinction,[9] arguing that not marking the distinction experientially and social-scientifically allows one, under certain material circumstances, to treat non-natural systems more or less like counterparts to physical systems. Of course, one can change nature, and some such changes may even be due to thinking of nature as a proper part of human production. But this would miss Lukács's point by attempting to disarm the analogy too locally. Changing nature *as such* is the apt parallel.[10]

Lukács deploys the concept of reification not just in the domain of complex, whole social structures and institutions, for reification also taints understanding of oneself and of one's relationships with others, and at its limit, reification makes it difficult to formulate how one might change oneself with regard to one's social self-understanding at all. This is a crucial point for him: the effects of reification reach all the way down into desire- and belief-formation. Reification thus is basically psychologically *productive* and, for that reason (among others) will prove to be quite difficult to extirpate. Even so, Lukács holds that a more or less reification-free society is possible, i.e. a society whose members re-establish their practical stake in their actions in a way that confronts, and then puts to the side, the interference caused by the idea that disembodied cognition is the proper mode for considering that work. Lukács's version of how this obtains has less in common with Marx than with Lenin. For the mature Marx material conditions will themselves provide the basis for criticism, which criticism leads to socialist revolution, the communist state, and beyond. Lukács treats ideology as more problematically related to basic economic structures and, in the place of materialism, puts forward a more conceptually explicit and even rationalistic sort of critique, in which the concept 'totality' plays a main role. To some this has seemed an unconvincing remnant of his youthful Idealism.

Instrumental reason

'Instrumental reason' (*instrumentelle Vernunft*) is a category that originates in the writings of the early Frankfurt school of critical theory: Max Horkheimer, Herbert Marcuse and Theodor Adorno. At first glance, the phrase 'instrumental reason', even if not exactly a pleonasm, courts a truism.

Much reasoning is structured in terms of means and ends and is therefore 'instrumental' in a broad sense. I buy a ticket for the métro to Bastille, in order to go to the Opéra, in order to see a new performance of *Saint François d'Assise*, in order to compare it to Boulez's, and so on. It is natural to think of much life in just this way: one has projects of more or less scope, which require more or less in the way of planned thought and action to realise, perhaps connected rather closely with one another at certain points, perhaps not. All of this seems to require thinking of means in terms of ends and vice versa. Some reasoning may not be inherently instrumental in this sense: pure mathematical reasoning, musical improvisation, and so on. But one might be happy to concede generally that there does not seem to be anything particularly suspicious about 'instrumental reason' understood in this manner, although of course one may doubt its application in specific contexts or whether a particular bit of it has been carried through very well.

Perhaps the first thing to emphasise, then, is that critical theorists do not begrudge rational agents their means and, so, are not 'against' instrumental reason in these broad terms. For them, rather, instrumental reason involves a specific structural 'weighting' present in the relation of ends to means in reasoning, which weighting occurs under the pressures of modern social life. It is not a difficult matter to state the main worry, but it is difficult to state it in a way that shows it to be distinctive. This requires setting out the sense in which instrumental reason for the Frankfurt thinkers is *pathological*.

At first pass, one might offer that 'instrumental reason' in the suspect sense is an operation in which what were initially and properly merely means to ends are transformed into ends themselves. In itself that claim is entirely unremarkable of course; conversion of means to ends is not inherently a bad thing. One might discover, for example, that an end to which one directed one's action was poorly understood, false, illusory or merely a means while the means to that end were not and, into the bargain, that the means could exchange status with what were considered ends in a properly rational chain. Perhaps some explicitly religious ends are good examples of this permutation, where the means can stand on their own as non-religious ethical ends. Feuerbach's criticisms of Hegel depend on this sort of 'inversion'.

Given this, one might think that the distinctive feature of the Frankfurt critique of instrumental reason is the further claim that there is a general *tendency* to substitute means for ends under modern societal conditions, a tendency that is insensitive to specific rationales for the inversions. This does set instrumental reason off from the cases just discussed; instrumental reason is not rational, so the thought would go, because the inversions are

not produced *by reasons* (although they are produced *for reasons*). Another way to put the relation of means to ends in means–ends rationality helps to bring out the point. One might think it a good thing to be able to conceive of ends as not, at least not as a matter of principle, antecedently determined in their content by the means that they require for their realisation. Ends might be thought to dictate to means, rather than the other way around. The point is simple and anodyne: reasons are purposive and that means that the relation of means to ends cannot be treated reductively as a form of efficient causation; causally speaking, reasoning requires rational ends to be final causes that in effect pre-structure what can count as means. Of course, that reasons cannot be thought of as causal, as if on a par with mere behaviour, is a substantive claim that can and has been subject to much debate. But let it stand for purposes of analysis.

Following this train of thought, one might make a broader claim still: to think otherwise of the relation of means to ends involves a kind of formalism ordaining that ends be set in terms of the conceptual status quo – in terms of what are already available as means – and not in more imaginative ways that might require either the development of new means or the turning of old means to new purposes. Forms of rationality that place ends first in this way could diminish the overall tendency to think of ends as prior to means and, to that extent, would stifle other and better prospects for thinking more clearly and comprehensively about candidates for rational ends. In a similar vein, instrumental reasoning would suppress creation of new ends, ends whose conceivability qua ends is not held hostage to whatever set of rational means are currently devoted to other ends (or to themselves as ersatz ends). Finally, non-instrumental rationality might promise more plasticity *in means*; one of its effects might be to loosen the sense in which, given some end, a set of means are understood to be obligatory. Of course, this is merely a negative specification of what non-instrumental rationality might be. As it turns out, the early Frankfurt school has various accounts, different amongst the various members of the school, of what non-instrumental reason amounts to. Aposiopesis is unwelcome in good writing; notwithstanding that, I cannot help saying that that's a very complicated issue that I can't hope to pursue here.

Despite this enmity to the subversion of ends by means, what is distinctive about the critical theorists' treatment of the issue is their ascription of the source for the subversion to a social-psychological condition that they claim has developed in European thought since the time of archaic Greece and even before. The most famous treatment of this issue is in Horkheimer

and Adorno's *Dialectic of Enlightenment* of the mid-1940s, but there is cognate material that litters the earlier work of Horkheimer, Adorno and Marcuse. The main idea is drawn from the application of classical psychoanalysis to cultural analysis. Freud's own *Civilization and Its Discontents* is an important source in this regard, but there are others – in particular Freud's now discredited work on paranoia.[11] The point can be stated, however, without essential reference to Freud's views. The benefits of civilisation, predictability, increase in objective knowledge, coordinated social response, etc., are bought at the cost of repression of a more immediate potential relation to nature in terms of drives, desires, pleasures, etc. Horkheimer and Adorno are interested primarily in the human capacity for representation and language. These capacities have their ultimate source in a fearful mimetic adaptation to nature, where one reacts to the lack of control over one's immediate environment by becoming part of it, submerging any nascent individuality in order to 'blend in'. This primordial orientation to nature is, however, not completely suffused with fear; immediate pleasure in de-individuation is also on offer. Increase in cognitive control involves forms of mimesis that are ever more detached from environmental immediacy, with attendant gains of rational control coming with sacrifice of the pleasures of immediacy. Consonant with Nietzsche's and Freud's views on the nature of psychological force and repression of that force, these sacrifices do not dissipate the connection to immediate nature within one, as both fearful and pleasurable; rather, these repressed psychic sources pervade unconscious human life in unpredictable ways. Under late forms of capitalism the trade-off between repression and control reaches disequilibrium within subjects and society; the control, so to speak, is out of control and the repression of and return of repressed nature volatile and overwhelming. This is the Frankfurt school's assessment of the character of fascism. Instrumental reason then, at this high pitch, is pathological because the repression of nature expresses itself in a re-experience of nature *as* repressed and posits a *second nature* of social dimension, unrecognised as such, which models humans impersonally as objects over which dominion is properly exercised, as it would be over nature. This is the character of the reduction of ends to means or final causes to efficient causes in early critical theory's analysis of instrumental reason. It thus repays the effort to track more precisely than usual the etymology of the term 'pathological'. For the Frankfurt theorists, reason is pathological because reason suffers the undertow of repressed nature in the form of passivity or immediacy, but the stress can be laid in reverse fashion: pathological reason is the reactivity of reason to the immediate at a remove.

It is to the point just here to emphasise that the reflections on instrumental reason just discussed also apply to the operation of reason at the level of *theory* in the social sciences according to critical theory. The posterboard case is Horkheimer's distinction between 'traditional' and 'critical' theory.[12] Although there are many forms of traditional theory according to Horkheimer, their overarching and shared structure is that they are systematic instances of instrumental reason – instruments of instrumental reason, one might say – that take as their social-scientific object social reason conceived instrumentally. There are two main points to this reflexive application of the critique of instrumental reason to social science. The first is that, strictly speaking, social science has no 'data', if by a 'datum' one means something whose aptness for analysis is taken for granted as on a par with brute physical fact. No social phenomenon is given in this brute way. The mode of initial access to what is given for social-scientific understanding is more adequately captured by concepts with their homes in art-theoretical understanding like 'interpretation', and not by concepts like 'observation'.[13] Additionally, the critical theorists follow Marx in holding that social theories grow out of broader material cultural circumstances, and even their basic apparatuses express the social values of those circumstances.[14] Finally, the subject matter of at least some social science is affected by its theoretical treatment; ethnography is a common example in the literature. Studying a culture in the field requires participation in it and, thus, one is an element in what one is studying.[15] Sociology is perhaps a bit more difficult in this regard, given as it is to the use of statistical analysis. But critical theorists would still insist that such seemingly detached empirical means of analysis – of which the Frankfurt school availed itself in some of their research – is guided by independent evaluations of relevance that are expressions of valuation on the part of the social scientist.

To critical theorists the idea that social science can be adequately modelled on the natural sciences, even if that modelling is subject to substantial restriction, will constitute a barely covert expression of the rational deformations and biases they link with instrumental reason.[16] Instrumental reason treats means and ends as on a normative par with one another; its presence in the social sciences thus expresses the main sort of relation that several of the physical sciences track: efficient causality involving 'things'. Efficient causation is not just a concatenation of elements, where form does not constrain its elements; it is not ultimately plastic, e.g. it has a direction: causes produce their effects, not the other way around. But that is not the point. Efficient causality does not comprehend at all a means–ends relation; effects are what

are produced by causes and do not qua effects contain constraints on their being so produced. That would be an instance of final causality – i.e. of purposive action. So, thinking of social action or the theoretical understanding of it in terms of physical science maps systematically the same ends-eliminative structure that typifies instrumental reason. Now, theories that Horkheimer groups under the heading 'traditional' do not all take as their models theories in the physical sciences, at least not explicitly. Even so-called 'positivist' sociology does not court the physical sciences quite so crassly. Nevertheless, the social conditions that underwrite the increase in instrumental reason as a blanket tendency in thought over the last two centuries also, unsurprisingly, dictate second-order ways to think about those social conditions that express in their structure as theories the instrumentality current in what they aim to explain. Social-scientific theories of this sort cannot offer solutions to pathological means-reductive rationality, and this is because they are instances of such pathological rationality. Only a properly 'critical' theory can do that job, which is as much about changing the conception of what theories do and how they are constructed as it is about interpreting specific components of modern experience.

Conceptual overlap, Idealist residue

Rationalisation involves reduction to calculation and predictability. This phenomenon is conceptually distinct from that of instrumental reasoning; reduction to calculation does not entail inversion of means and ends. One might think that an end qua end is properly statistical. Indeed Weber held this. Yet, critical theory tends to treat these discrete phenomena as equivalent. This treatment reveals a point of difference between the Frankfurt school and other Weber-inspired sociology. For the critical theorists, Weber's diagnosis of rationalisation was correct as far as it went, but it did not go far enough: it did not situate itself in the broader context of a critique of instrumental reason. For Weber rationalisation is not inherently pathological and, as a result, his analysis of modern social life for all its importance is quietist.[17] It is also the case that the extensions of the concepts 'rationalisation' and 'reification' do not overlap precisely. Assume that calculative thinking is pre-eminent and widespread in modern society. Without more, that claim does not yield the proposition that modern society views human thought and its institutional products as being like 'things'. Reification requires alienation, a sundering of the claimed essence of labouring, i.e. to be able to see the product of one's labour as expressive

of *one's* capacities in the making of it. Rationalisation can occur, if it does, without this social-psychological dimension being in play. Nor is reification synonymous with instrumental rationality. Clearly, one might subvert the capacity to set ends independently from means without treating those ends as 'things' in the relevant sense.

That said, as a historical matter these three concepts have received interpretations by Weber, Lukács and the early critical theorists that accentuate their overlap – more than enough to make it reasonable to consider them as one structure with mutually reinforcing parts. Given the transformation of modern life by technology and capitalism, it is understandable that one treats thought as rigorously constrained by canons of calculation, human processes as non-human processes, and reverse the practical priority of means over ends as converging with one another in ways that threaten to render ideas of human freedom problematic. What role does Idealism play in this? Weber, Lukács and the early Frankfurt school thinkers were all serious students of German Idealism and its nineteenth and early-twentieth century offshoots. Their interests were not merely academic; Idealism was still a live philosophical option at that point. But it enjoyed strong competition from empiricist and materialist camps – in the case of Weber, from sociological positivism, in the cases of Lukács and the critical theorists, from co-called 'vulgar' Marxism. Weber, Lukács and the early Frankfurt school investigated Idealism as a source for humanistic counterweights to reductive materialism. But – and this is a crucial point – any positive appeal to German Idealism would have to adjust its retrieval by subtracting any metaphysical cum traditional religious content. German Idealism cannot be a simple ally; internal to it are suspect elements that express various inappropriate forms of domination. The rehabilitation of German Idealism in the social theory of the early- to mid-twentieth century was a selective business.

The concepts of rationalisation, reification and instrumental reasoning are each overdetermined by their Idealist antecedents. Rather than attempt the hopelessly complicated task of surveying the whole of the vast network of the Idealist impact on these concepts, pro and con, I wish to do something both less ambitious and more artificial. I would like to sketch in summary form *an* antecedent for each of the concepts in a doctrine of *an* Idealist forebear.

(A) Weber's close association with the thought of Rickert and Lask tokens a partial commitment to south-west neo-Kantianism, which stressed the necessary role of 'value' in social-scientific research. The provenance of rationalisation in Kant's thought is, however, contestable. Kant's moral philosophy is

a faintly secularised version of the Protestant ethic. The idea of an internal sphere in which a personal and authenticating relationship with the supersensible constitutes true moral worthiness is the common thread – Kant offering a philosophical treatment of the theological conception of inwardness. Kant is less concerned with the externalising labour dimensions of this inward devotion, but that is ancillary to the main point. Weber holds that the concept of the inherent worthiness of labour that Calvinism inaugurates is outpaced by the development of external labour forces to the point where the internal dimension of these forces all but disappears. As noted earlier, Weber analyses the propensity for the internal state to disappear behind its effects as due to a property of the internal state: i.e. that, unlike rite-based, already externalised religions, Protestantism had no way other than externalised labour to make the state 'substantial' enough to sustain a modern form of life. As a secularised variant of Protestantism, Kant's ethics of duty suffers the same fate; indeed, it accelerates the approach of that fate. According to Kant the morality of an act depends on its source in the moral will; its felt morality, it would stand to reason, would depend upon being able to treat the presence of the moral will in one as definitive of morality in the teeth of advancing rationalisation. Kantian moral autonomy thus plays two main roles in the history of rationalisation: (1) as a statement within the credo of the Protestant ethic, it facilitates the emergence of rationalisation, but it also (2) is outrun by the ever more free-standing conception of externalised labour and, thus, is a victim of rationalisation as well. Weber is less than forthcoming concerning the question of whether it is still possible to pursue Kantian ethics with a straight face. His Kantianism is more 'methodological', featuring the redeployment of select transcendental Idealist resources (ideal types, values). But the sociologist turns back these very resources to understand Kantian morality and epistemology as themselves expressive of rationalism, not as constituting a bulwark against it.

(B) Reification converts what is human into what is not; its result is a form of social awareness in which human innovation, which is in reality subject to human intervention and change, is comprehended to be unchangeable and inevitable. It is worth noting that the 'direction of fit' of reification can be the reverse, where things are endowed with personalities (where 'objects are subjects'). This two-way trafficking in things and ideas is possible because reification renders both the concept of a thing and that of a person so superficial that they become interchangeable. My car can be 'my best friend' because that is what best friends and cars amount to under these conditions. (Of course, a car is an artefact, a product and not a natural thing;

but the point still stands for it is not as human as is a human.) For Lukács an outlook like Weber's in which rationalisation is ineluctable and according to which the most comprehensive understanding of that fact is resignation is unacceptably Idealist. For it does not credit the combination of material and ideological conditions for change – that reason and history can combine to deliver critical understanding that will effect change away from the reduction of the qualitative to the quantitative, of work to thing. In this sense, Weber is no different from the Carlyle of *Past and Present*.

Reification is a reciprocal structure in which the concepts of product and thing are interchangeable, and recognition that this is the case might lead one to the further thought that its structure is dialectical. Now, one might think that the structure can be analogised to the first three sections of the dialectic of 'Self-Consciousness' in Hegel's *Phenomenology of Spirit*, which has been typically a wellspring for adapting Hegel's thought to contemporary use. Lukács's conception of reification, however, fits this mould uncomfortably. It is true that the dialectic that ends up in the 'struggle for recognition' in Hegel begins with the antagonists working stepwise through various species of 'negation' where treating the object to be negated as a 'thing' has a prominent role to play. But the result of this process points in a direction opposite to that of reification. If one were to think of reification on the model of recognition for Hegel, reification would signify a reversal to negation by brutal consumption. In fact, this way of putting things is also quite problematic because the conditions under which reification occurs are decidedly industrial, a specification not in place in those portions of Hegel's work. Perhaps reification is a mode of 'forgotten recognition', as Axel Honneth thinks, but this is not an idea that one can pull straight from Hegel.[18]

I suspect that one can find a better candidate for a Hegelian counterpart to reification in the closing sections of the chapter on 'Observing Reason' in the *Phenomenology*. Hegel's point in these passages is that taking the non-human world to deliver preordained laws of thought betrays an inadequate appreciation of the nature of both law and thought. Nature so considered might cause certain stimuli and even associations of thought with regard to them, but it cannot account for the inferential structures pertaining to such items, because inferences involve norms and norms, in turn, require not merely consciousness but taking consciousness to be significant in particular ways, i.e. norms require self-consciousness. There are no natural laws of *self*-consciousness, Hegel holds. Hegel allows that the idea that regularity of thought is a species of causal regularity is tempting because Observing Reason mistakes the force of association in thought. One thing coming after

another, even with necessity, does not yield meaning, and the idea that it would involves a systematic substitution of things for thoughts. I take it that the upshot of Hegel's crushing treatment of phrenology in these sections is intended to reverse the direction of the false substitution. Character is not subject to the laws of things; the agent herself cannot know it inductively 'from within' on the basis of putative laws of natural processes. Nor can a third party (or the agent) know it 'from outside' in terms of the sort of thing-regularities that phrenology posits.[19] Character is social; phrenology's attempt to conceive it as being otherwise exposes the category error at the heart of the attempt by making clear the conceptual extremes to which reason drives itself to maintain a mechanistic view of agency. As is standard for Hegel, alienation and the impulse to overcome it provide the impetus to this rational structure and the conceptual movement within it. What is slightly out of key here is Lukács's treatment of reification as a *deformation* of reason. Hegel analyses all deformation of reason Platonically, i.e. as a lack of adequate formation which may be rectified by progressive rational analysis. There is a way to accommodate reification on this model, to be sure; reification is but a lack of correct awareness of the implicit rational structure in play – what could be more Hegelian than an observation like that? Still, it is not clear to me that the sense in which reifying reason is deforming is *fully* amenable to self-correction.

(C) One might think that the idea of instrumental reason has a bifurcated relation to Idealism. Idealist accounts of theoretical reason are striking instances of unsuccessful attempts to break free of the constraints of conceiving of the world as causally closed around the concept of humanity. Kant's epistemology might be regarded in this light as a philosophical brokerage house in which shares in Newtonian mechanics are, on the conceptual side of things, traded for shares in Leibniz's relational conception of space, on the intuitional side. Efficient causation forms the limits of the knowable world, and this bows to the power of means efficacy. True, Kant reserves a place in his metaphysics for things considered apart from their efficient causal roles where the idea of a final cause comes into play. But this is a 'merely intelligible' realm whose ends-rationality can only be assumed, never proven. Of course, one might say, the idea of human ends plays only a subsidiary role in Kant's theoretical philosophy: so what? Isn't it more to the point that Kant paves the way for the neo-Kantian distinction between *Natur-* and *Geisteswissenschaften* so important to non-instrumental experience and social science by cordoning off causal concerns from his ethical theory? And isn't it also more to the point that Kant accumulates over the course of demonstration

in the third *Critique* an understanding of the proper role of the concept of ends-rationality more generally in experience and science? So, what then motivates, for instance, the equation of Kant's ethics to Sade in *Dialectic of Enlightenment*? This sort of remark, most likely Adorno's, characteristically brings out one of two responses in Kantians: a smug snicker or a run for the brickbats. The first response expresses mild intolerance for yet another naive misunderstanding of the relation of the moral will and freedom in Kant, the latter an outrage at the comparison of the nearly holy-willed Kant to the French libertine.

Horkheimer and Adorno mean to claim that the idea of the self-legislating moral will in Kant is a cardinal instance of the sort of domination that they find generally in the phenomenon of 'enlightenment'.[20] They treat Kant's moral psychology, in fact, as indicative of a rather purified or distilled type of domination. This is why it is put on a par with Sade, who expresses in stark form the external, bodily antipode of this domination. Is this a simple instance of Horkheimer and Adorno not understanding that moral rationality and freedom are one and the same thing for Kant?

It is worthwhile noting that the claim that Kant's duty-based ethics involves domination was not novel: Weber makes the point. Recall that Weber treats Kant's ethics as a rigid, secularised version of Protestantism, which imports rationalising elements into its conception of self-rule. Protestant ethics enables capitalist conceptions of the value of labour crucial to rationalisation by a three-stage reinforcing process in which the stages are mutually reinforcing. There is an initial emphasis on inwardness as the criterion of utmost value. But this inwardness must have external, institutional expression. Having turned its back on the showy rites of other forms of Christianity, the work of the Protestant becomes this expression. One central and distinctive feature of Kant's ethics, which separates it from other ethical theories that deploy the idea of self-rule, is that the moral agent for Kant is in some sense the author of the moral law. This 'authorship' does not have to do with 'making up' the moral law out of nothing, but rather involves the idea that the source of moral reason, while not individual, is constitutively human. Moral reason is 'there' because it is part of humanity; there is no such thing as moral reason that just *is*, i.e. that is given independent of human reason. Consider now the relation between this conception of ethical self-authorisation and rationalisation. At first blush, they would seem opposites. What could be less subject to calculation than a reason under this specification? Indeed, consequentialism in its various forms would seem the best candidate for a rationalised moral theory according to Weber. I don't

wish to deny that; Mill's views fare ill under an analysis of rationalisation. (Although, one hastens to add, they fare well there too, given that Weber treats rationalisation as also politically progressive.) Nevertheless, the idea that morality is constituted by rigorous submission of desire and inclinations to rules, self-given or otherwise, is easy to arrange in the bestiary of rationalisation. For the concept of rule here is extraordinarily abstract and, in the most famous of its schemata – the first statement of the categorical imperative – achieves its power through universalisation notwithstanding content. One might go further. This reinternalisation of rationalisation has the potential for greatly advancing the external force of institutional rationalisation, for it deploys a concept of the relation of law to instance internal to agents that lowers resistance to the operation of such thought externally. So, on the face of it, one might think that Kantian morality stringently opposes the action of the calculable on moral agents in virtue of its denial that any causal feature of the world can determine truly moral judgement. That is true of Kant's theory, but to stop there in the analysis would result in a superficial understanding of the relation of Kant's moral theory to rationalisation. The deeper point is that Kant's ethics is one of rational and universal abstraction from the particular and, to that extent, it has its share of rationalisation. The fact that moral judgement is not itself calculation is not pertinent. Kant's moral theory is not calculation, but it is nonetheless *calculative*.

In a nutshell this is one half of Horkheimer and Adorno's claim that 'Kant is Sade'. Sade luxuriates in carnal domination, which domination surely counts as 'instrumental' in Horkheimer and Adorno's sense of the term. The identity claim then comes to this: an ethics according to which inclination and reason are conceived of as being in principal systematic tension and in which the resolution of the conflict is that one is 'put down' in favour of the other is an ethics according to which a large part of oneself is viewed as merely means, thing-like, a cipher, and a target for self-domination. A moral philosophy according to which reason progresses to the extent that it juxtaposes itself sharply with nature, where the modality of juxtaposition is 'making nugatory' by controlling or dominating, finds its correlate in how Sade conceives of the body (among other things) as that upon which 'spontaneity' operates. When one engages in this sort of activity the unintended 'return of nature' takes the form of treating part of oneself as a thing.

That view may be wrong, and may be wrong about Kant, but it is not just a simple mistake in Kant interpretation. It is Horkheimer and Adorno's way of giving voice to an old complaint against Kant's ethical views that Schiller

first lodged. What would be a corrective to this view from within the camp of Idealism? Is there non-instrumental reason possible in Idealism? Adorno seems to have no clear answer. Horkheimer came in his late work to admire Schopenhauer, and one can understand why Schopenhauer's ethical views would be of particular interest to him.[21] Schopenhauer's ethics is one of co-suffering for co-sufferers. For Schopenhauer suffering cannot be eradicated, even if it can be ameliorated for a time by means of some aesthetic experiences and by self-abnegation. This follows strictly from Schopenhauer's metaphysics of Will: all sentient things constantly suffer because individuation necessarily involves slippage between (1) uncontrollable perturbations of the Will as it is housed in any individual thing and (2) the craving for some kind of metaphysical stability in terms of which one can achieve orientation in the world. In essence, Schopenhauer defines suffering functionally; it just *is* the friction between these two orders from the point of view of the individuated. If one recognises that everyone is part of Will and suffers on that basis alone, the difference between individuated cases of suffering can be overcome. One might think that this is an abstract, almost Kantian, way of thinking, where 'overcoming' means something like abstracting from difference in order to reveal a common, supersensible rational basis. But Schopenhauer has a much more interesting view, according to which transcendence of the barriers between suffering individuals requires compassion.[22] Compassion, in turn, requires an exercise of imagination motivated by the idea that we are basically co-sufferers, an exercise that has the aim of entering into another's suffering to the vanishing point of being able to 'feel with' one another in terms of what it is like to suffer *in that way*.[23]

It is not too far-fetched to suppose that Horkheimer is attracted to this way of looking at ethical intersubjectivity in part because of its refusal of the central Kantian concept of duty. The kind of identification required for 'ethical inclusion' on this theory is imaginative and precisely *not* abstractly rational. Schopenhauer holds that even what one would regard as the most antagonistic relations – say, between torturer and tortured – might be reconciled, at least in principle, in this manner. Of course Horkheimer would not endorse Schopenhauer's metaphysics of the Will, nor would empathy suffice for 'criticism' for him. It is also open to question how much 'real world' action is required to alleviate suffering on this understanding.[24] But the appeal to Schopenhauer, morose as it might be, is well motivated for at least the reason that giving the category of suffering pre-eminence guards against conceiving of persons and their experience instrumentally yet Idealistically, although of course it offers no guarantee.

Notes

1. See Dieter Henrich, *Die Einheit der Wissenschaftslehre Max Webers* (Tübingen: Mohr, 1952), for this approach, finding the value of Weber as consisting in effecting a solution to the question of the unity of reason from the Baden side of neo-Kantianism. Fritz Ringer, *Max Weber's Methodology: the unification of the cultural and social sciences* (Cambridge, MA: Harvard University Press, 2000), performs a similar service for the sociological understanding of Weber's 'synthesis' of elements of hermeneutics and positivism.
2. Max Weber, *Die protestantische Ethik und der 'Geist' des Kapitalismus* (1904/5) (Bodenheim: Athenaeum, 1993). The full story of course is more complex.
3. Weber, *Die protestantische Ethik*, 11ff. Weber's adverting to such North American examples was based in experience. Weber attended the St Louis World's Fair of 1904, planned as the centennial celebration of the mammoth land deal that laid the predicate for the modern United States, bearing the fitting official title of the Louisiana Purchase Exhibition. He made steamship passage in a party that included the two other most significant figures in the emerging field of sociology in Germany: Ferdinand Tönnies and Ernst Troeltsch. Tönnies, Troeltsch and Weber were attending one of the many academic conferences that orbited the Fair. Weber had completed the first half of *The Protestant Ethic* by the time he set sail for the States, but his return to Germany at the end of 1904 saw him finish the book in a whirlwind two and a half months. It is difficult to shake the impression that he had experienced its argumentative conclusions *in medias res* in an especially vivid way. The first-hand account by Marianne Weber is evocative: her husband's debilitating depression is staid by the ocean voyage and trip around the Eastern and Central United States. Although she writes little of his impressions of the conference, Weber is taken by the rough and vigorous self-reliance bordering on hucksterism of the 'rustics' especially, only outdone by the denizens of that Temple of All-Things-That-Can-Be-Bought-Sold-or-Stolen: Chicago. See Marianne Weber, *Max Weber: ein Lebensbild* (Tübingen: Mohr, 1926), 292–317.
4. See Georg Simmel, *Philosophie des Geldes* (1907), in *Gesamtausgabe* VI, ed. O. Rammstedt (Frankfurt am Main: Suhrkamp, 1992).
5. Weber held this tendency in the modern West to be ineluctable given the historical developments that led up to it. He had wintry things to say about future prospects. The declaration that bureaucracy is a 'steel-hard shell' (*stahlhartes Gehäuse*) is somewhat ambivalent; shells both protect and constrain. See *Die protestantische Ethik*, 153. But, although it might be passed off merely as a melancholy and disappointed prophecy of the fate of Germany after the defeat of the First World War, the conclusion of *Politik als Beruf* has a more univocal and deadening finality to it: '[n]icht das Blühen des Sommers liegt vor uns, sondern zunächst eine Polarnacht von eisiger Finsternis und Härte. . . .'; Max Weber, *Politik als Beruf* (Stuttgart: Reclam, 1992), 90 ('for now not the summer blooms but a polar night of iron darkness awaits us'). Everything depends on the force of 'zunächst' here.
6. In Karl Marx and Friedrich Engels, *Marx-Engels-Werke* (Berlin: Dietz, 1956–), I.i.4, 23 (original, 1867). The idea is also present, explicitly and implicitly in several of Marx's works in the late 1850s and 1860s, most notably in the discussions of the general concepts of commodity and money in *Kritik der politischen Ökonomie*, §§ 1 and 2 (1859); see also *Grundrisse*,

§ G (1857/8) (objectification of labour through mechanisation). It is important to mark that 'reification' is not for Marx the equivalent to 'objectification' (*Vergegenständlichtsein*) in all contexts. It is rather that the way in which labour is objectified under conditions of late-stage capitalism is distorting, and thus is a form of reification. Generally, Marx has no axe to grind against objectification of labour, so long as the objectification is not the product of alienation. See especially *Grundrisse*, § 1.

7. 'Die Verdinglichung und das Bewußtsein des Proletariats' (1923), in *Geschichte und Klassenbewußtsein* (Berlin: Luchterhand, 1968), 257–397.
8. I emphasise here continuities between Marx's and Lukács's treatment of reification. But it is worth bearing in mind that the continuities are only partial. It goes without mentioning that Lukács does not share Marx's version of materialism, according to which economic causes are fundamental and ideological components of society merely dependent on them.
9. The *Geistes-/Naturwissenschaft* binary is Dilthey's. Theoreticians of history like Dilthey typically focused on the 'cognitive' dimension of the distinction between natural and social sciences, positing a sharp divide between explanation and interpretation. Explanation must take the cognitive perspective of the third person and is not suited to understanding reasons for an action from the point of view of the actor. Only interpretation can accomplish this. Natural sciences require a nomological conception of understanding, where to understand *x* is to (properly) mark it as an instance of a general law governing like cases. The *Geisteswissenschaften* deploy 'laws' (if one wants to talk that way) that govern the internal constitution of singularities, i.e. of single events. Such laws are invariant in the sense that they are necessarily constitutive of the singularity in question but, external to it, do not support counterfactuals. This way of putting the distinction between natural and social sciences offended Windelband's and Rickert's neo-Kantian scruples. It was too 'psychologistic', too Romantic, too imprecise, and a weak check on positivism.

   Windelband laid emphasis on a different legacy of Idealism, not having to do with the purported sanctity of internal reasons but rather involving formal constraints on theory construction stemming ultimately from Kant's accounts of reflective judgement and regulative reason. Windelband distinguished two types of understanding: nomothetic, which comprehends objects in terms of invariant laws, and idiographic, which comprises knowledge of particulars qua particulars, i.e. of singular objects. Nomothetic understanding is the primary sort of knowledge that concerns what Windelband calls the 'lawful sciences' (*Gesetzeswissenschaften*); idiographic knowledge is cardinal for what he terms the 'experiential sciences' (*Ereigniswissenschaften*). Windelband's more structural approach allows that social science proper can avail itself of and aim at nomological knowledge; consequently, there is systematic overlap possible between natural and social science. (In fact Dilthey never denied this.) The threat of positivism is in its reductive or even eliminative claim that the nomological concept of a law is the only permissible concept of law in the sciences.

   Windelband's student, Rickert, presents these ideas in more systematic form. It is sometimes said that Rickert's analysis of value (*Wert*) as a necessary component of social and historical research is his key innovation, but its precise significance, at least as Rickert understands it, is apt to be missed. Emphasising values in social science underscores that the social-scientific investigator must attend to the phenomena she is investigating in a particular way, notwithstanding whether the object of the investigation is a value or not. This is the crux of Rickert's contribution, which one can divorce from the concept of

value. Even idiographic knowledge requires preformation by the investigator of the thing to be known; without such structuring, the 'real' cannot be understood at all. The point is perhaps best grasped by reminding oneself that Rickert, like Dilthey and Windelband, held that no bit of reality could be exhaustively conceptualised. Given any conceptualisation there is a residuum of the concrete unconceived. This is true of singularities grasped idiographically as much as it is true of generalities grasped nomothetically. For the social scientist, values are the prime vehicles of *synthesis* of what is represented in the theory, to the extent that it can be so represented. Moreover, any representation is ultimately provisional and, to that extent, its stability is an idealisation, albeit one that is theoretically necessary. This leads one directly to Weber's views on 'ideal types', a concept already present in Tönnies. See Ferdinand Tönnies, *Gemeinschaft und Gesellschaft* (1887) (2nd rev. edn, Berlin: Curtius, 1912).

10. Another, complementary way to look at the matter is that reification for Lukács is a perfectly Hegelian process. Hegel views nature conceived as if it were disconnected from its conception as inert and theoretically idle. The claim that one treats ideas as if they were things is to: (1) fail to recognise the salience of Hegel's point about nature and (2) *then* go on to conceive of artefacts, people and ideas in that way.
11. Natalia Baeza, 'Contradiction, critique, and dialectic in Adorno', unpublished PhD thesis, University of Notre Dame (2012), contains an innovative argument to the effect that Freud's early theory of paranoia as a projective neurosis rigorously structures Adorno's account of rational pathology.
12. Max Horkheimer, 'Traditionelle und kritische Theorie' (1937), in *Kritische Theorie*, in *Studienausgabe* (Frankfurt am Main: Fischer, 1968), 521–75.
13. This does not mean that nomological-deductive or inductive reasoning is inappropriate in social science. Such reasoning, however, will be constrained by more inclusive interpretative structures. Cf. note 9, above.
14. Some commentators on the Frankfurt school will think that I have gone too far here. In response, I would challenge anyone to find a single thinker in the tradition of critical theory who has not raised the question of the material conditions for social theoretical activity for themselves and answered that question wholly in the negative. Even Adorno and Benjamin were 'materialists' in their fashion.
15. Geertz is the stock example. See especially his *The Interpretation of Cultures* (New York: Harper & Row, 1973). But there are others, e.g. Malinowski and Evans-Pritchard. For Malinowski see, *Argonauts of the Western Pacific: an account of native enterprise and adventure in the archipelagoes of Melanesian New Guinea* (London: Routledge & Kegan Paul, 1922); and for Evans-Pritchard, *Witchcraft, Oracles and Magic among the Azande* (Oxford: Clarendon Press, 1937); see also Peter Winch, *The Idea of a Social Science* (London: Routledge & Kegan Paul, 1958).
16. It is perhaps worth mentioning that this is not the same issue as that of *naturalism* in social science. For an incisive survey of the difficulties – even of naturalism in the physical sciences – see Sidney Morgenbesser, 'Is it a science?', in D. Emmet and A. MacIntyre (eds.), *Sociological Theory and Philosophical Analysis* (New York: Macmillan, 1970), 20–35.
17. See, for instance, Herbert Marcuse, 'Industrialisierung und Kapitalismus im Werk Max Webers', in *Kultur und Gesellschaft* (Frankfurt am Main: Fischer, 1968), 281–303.
18. Axel Honneth, *Reification: a new look at an old idea* (Oxford: Oxford University Press, 2008).

19. See Alasdair MacIntyre, 'Hegel on skulls and faces', in *Hegel: a collection of critical essays*, ed. A. MacIntyre (New York: Macmillan, 1972), 219–36.
20. It is worth emphasising that 'enlightenment' for early critical theory does not refer to an historical epoch, i.e. the Enlightenment. It is, rather, a characteristic mode of thought. The text of *Dialectic of Enlightenment* is, in essence three intellectual 'case histories' of enlightenment: in archaic Greece (Homer's *Odyssey*), in the end stages of the Enlightenment (Sade's *Juliette*), and in 1930s America (the 'Culture Industry'). The fourth section of the book, on anti-Semitism, was added after its first circulation, but one might also consider it such an entry.
21. See 'Die Aktualität Schopenhauers', in *Zur Kritik der instrumentellen Vernunft* (Frankfurt am Main: Fischer, 1967), 248–68.
22. *Die Welt als Wille und Vorstellung* (1818), in *Sämmtliche Werke* (Frankfurt am Main: Cotta Insel, 1982), I, §§ 63ff.
23. Imaginative participation for Schopenhauer seems close to empathy and has structural similarities to art and asceticism: imagination used ethically in this fashion is de-individuating to a degree. One might say that ethical experience of this sort is a mediate term between art and ascetic experience as a way, for a time, to negate the effects of the Will by approximating immersion in it. Art does this (music is the limit case) by pushing from within the envelope on representation. Schopenhauer rates this as a temporary respite from suffering. Ascetic experience develops discipline over the bodily appetites and is more lasting, although it too is fraught with contradictions that consign it ultimately to suffering.
24. The Frankfurt school became less *engagé* as it entered its second, Adorno-dominated phase. Given the mix of earlier empirical and philosophical work at the Institute for Social Research, one might have thought that the earlier critical theorists would have heeded Bakunin's bon mot that 'when faced with desperation [*отчаяние*], even a German will stop philosophizing. . . .'; Mikail Bakunin, *Государственность и анархия* [Statism and anarchy] (1873), in *Archives Bakounine* III, ed. A. Lehnung (Leiden: Brill, 1967), 27. Apparently not.

9

Freedom within nature: Adorno on the idea of reason's autonomy

Brian O'Connor

A commitment to the thesis of the autonomy of reason can be located across various phases of German Idealism. Initiated in Kant's critical work, it developed diverse conceptualisations and functions in the philosophy of Fichte's Jena period, early Schelling and, arguably, all of Hegel's mature writings. For Kant the self-governance of reason was to mean, at the practical level, that rational agents could determine themselves through reason alone. To do so they would endorse principles for action, these principles taking the form of a law compelling for all rational beings. As materially pure, universal laws, practical principles were valid independently of the normative authority of existing sociocultural practice and of the pathological and wholly subjective preferences of any given empirical agent. The rational agent, through the use of autonomous reason, could both identify what a rational will should will and be at the same time moved to act upon what it wills.[1] Kant's theory of reason offered a framework within which practical reason itself could be defended, and theories that privileged sentiment, happiness or any other variety of affective motive were exposed as antithetical to moral legislation.

For Kant it was not only practical reason that was capable of autonomy, that is, of providing us with laws that are independent of empirical causality. The very practice of philosophy itself – of theoretical reason – was to be reconceived as an exercise of autonomous reason. Without reference to experience it was supposed to be possible for reason to identify its own capacities and limitations. It could establish the different kinds of governance reason brings to bear on the various regions of concern to it. The limit points of reason were revealed when reason recognised its own contradictoriness within particular domains. Philosophy, construed in this new form, might be considered as reason's own self-explication.

Among the philosophers who succeeded Kant theoretical reason was set to validating the fundamental claims of human knowledge, on purely conceptual considerations, in order to provide those claims with a security they did not apparently possess when conceived within their separable, original empirical disciplines. These claims, if they were claims of reason, could be understood as elements or moments of reason's own system.

Autonomous practical and theoretical reason were not to be understood as distinct rationalities. Implicit in the very idea of reason's autonomy – i.e. its capacity to endorse principles in independence from empirical criteria – is, according to the Idealists, its unity. There is not one faculty of reason for philosophy and another for morality: it is one and the same reason applying itself in differing ways depending on what it chooses to analyse. The theory of the basis of that unity can take different directions: practical or theoretical reasons might be seen as derivations of each other (giving rise to claims about the primacy of either practical or theoretical reason) or as belonging to a single substance.

The appealing historical precept that human beings have an entitlement to make new and emancipating social arrangements in independence from existing sources of authority, habit or tradition was bolstered by the Idealists' insights into reason's autonomy. Politics and theory were implicit partners. The interest in the autonomy of reason for the sake of human freedom was, though, to recede sharply in the period of post-Idealist philosophy, with history and philosophy playing their parts in complicating the classical ideals of emancipation. It is through the development of critical theory, in explicit negotiation with the legacy of Idealism, that this distinctive interest regained philosophical attention. For critical theory, the capacity of human beings to create a rational society – one in which antagonism, want and institutionally generated suffering are absent – depends on our capacity to reason without the determinations of social normativity: that is, autonomously.

The autonomy of reason, critical theory maintains, is imperilled by the forces of prevailing intellectual conventions. Reason loses its connection with emancipation and instead is turned towards the exigencies of successful management within existing institutional life. The Idealists believed that their account of the autonomy of reason could promote the development of a capacity that human beings had, in the main, lacked the confidence to exercise. The critical theorists, however, found themselves in a quite different environment. The concept and value of reason was well understood, but, tragically, it was the wrong notion of reason – instrumental, manipulative, strategic – that had taken hold. The critical theorists did not recommend a

return to the classical formulations of reason's autonomy as a solution to the problem of reason's current limitations. In fact, those formulations had in certain respects reproduced developing social practices of reason: the control of 'natural' being, including human being.

Early critical theory's preoccupation with providing a defensible account of reason's autonomy – one which at the same time specifically rejects the formulations of the Idealist tradition – has been obscured by the ferocity of that movement's criticism of reason in general. Adorno and Horkheimer's sweeping indictment of the dialectic of enlightenment – the charge that every effort to lift ourselves from nature appears to entail nature's destruction – might lead us to suppose that early critical theory is eager, in sympathy with Nietzsche, to expose the motives and, thereby, inherent heteronomy of reason. It appears to be, in other words, an effort to undermine the very principle of the autonomy of reason. Arguably the force of their rhetorically coloured proposition leads irrevocably to that conclusion. But this cannot be critical theory's intention, at least. Were it so, criticisms of the distortion of reason and the attendant irrationality of society (it produces antagonism, want and suffering while proclaiming freedom) would be groundless (at least in terms of 'rationality') since there would be no way of taking a normative stance, based on 'true' reason, against them. What critical theory actually attempts is to offer ways of thinking about human experience that can explain our capacity to take a reflective view of that experience without also holding that reflection separates us from experience's natural basis.

In drawing out the relationship between German Idealism and critical theory on the question of reason's autonomy I will concentrate on Adorno's criticisms of transcendental idealism as it is the most sustained and detailed discussion within the critical-theory tradition of the autonomy of reason. These criticisms open up for Adorno the conceptual space within which a more inclusive account of reason's autonomy might be articulated. The next section of this essay will turn to that criticism and a consideration of the new theoretical direction that the critique seems to necessitate – the direction Adorno attempts – will follow.

Criticisms of the transcendental theory

Adorno's various criticisms of Kant's notion of the autonomy of reason attempt to reveal the limitations and implicit dangers of that notion when conceived purely within the terms of Idealism. Idealism articulated in a revolutionary manner the power of reason to free us from authority, but its

theoretical basis actually narrowed what the exercise of freedom was to be. At the centre of this difficulty, according to Adorno, is the fundamental opposition between reason and freedom on the one side and nature on the other. This opposition detaches reason from, Adorno will try to show, its natural basis. His criticisms concentrate on three main issues, to be considered in turn in this section: autonomous agency as coercion, the unity and heteronomy of reason, and reason as ontology.

The worry about transcendental idealism's opposition between reason/freedom and nature can be found within the history of German Idealism itself. The respective *Naturphilosophien* developed by Schelling and Hegel seek to address the explanatory insufficiency of the concept of nature permitted by transcendental idealism. The latter was perceived to have reduced nature to product, to what mind or reason had made (*natura naturata*) and thereby to have neglected the question of nature's own productivity (*natura naturans*). Conceived solely as *natura naturata*, Schelling argued, nature was deprived of its dynamic and converted into 'absolute rest' (*absolute Ruhe*).[2] Furthermore, the physical actuality of reality itself came, implausibly, to be posited purely as an act of the subject. Transcendental idealism, Schelling argued, would have to be reinterpreted as an explanation of one side of experience only, namely, of our productive capacities. Beside that explanation a philosophy of nature would have to be placed in order, as he wrote,

> to explain the ideal by means of the real. Hence, the two sciences form a unity, and differ only in the opposing orientations of their tasks. Furthermore, not only are the two directions equally possible, they are equally necessary, and hence both receive the same necessity in the system of knowledge.[a,3]

This endeavour to identify the unity of reason/freedom and nature was also to be pursued by Hegel. In the *Encyclopaedia*, he argues that nature like spirit has its own history of development, a history that parallels that of the development of spirit. Far from being 'dead' and animated solely by human consciousness, nature, he writes, 'is to be regarded as a *system of stages*, one arising necessarily from the other and being the proximate

a. 'Wenn es nun Aufgabe der Transscendentalphilosophie ist, das Reelle dem Ideellen unterzuordnen, so ist es dagegen Aufgabe der Naturphilosophie, das Ideelle aus dem Reellen zu erklären: beide Wissenschaften sind also Eine, nur durch die entgegengesetzten Richtungen ihrer Aufgaben sich unterscheidende Wissenschaft; da ferner beide Richtungen nicht nur gleich möglich, sondern gleich nothwendig sind, so kommt auch beiden im System des Wissens gleiche Nothwendigkeit zu.' Schelling, 'Einleitung zu dem Entwurf eines Systems der Naturphilosophie', 272–3

truth of the stage from which it results: but it is not generated *naturally* out of the other but only in the inner Idea which constitutes the ground of Nature'.[b,4] It may be arguable that Schelling and Hegel respectively represent challenging responses to the inevitably inert conception of nature framed by transcendental idealism. But viewed from within the critical concerns of Adorno – who refers hardly at all to the *Naturphilosophie* – it is continuous with what transcendental idealism attempted to do in that it is an effort to conceive nature as something which can be systematised. He peremptorily dismisses Hegel's work on nature and natural beauty as 'virtually unreflected partisanship for subjective spirit'.[c,5] The 'spirit' supposedly at work in nature – what it is that licences the task of reconstructing its inner system – is an anthropomorphism. As we shall see in more detail below, Adorno holds that nature, of which we are a part, is not translatable into the language of reason. Hence the symmetry of reason in nature and nature in reason is, for him, excluded from the start.

For the most part Adorno proceeds not by criticising Kant's position by the measure of his own presumed account of reason's autonomy. Rather he attempts to read Kant's position *immanently*. This involves an examination of the conclusions that Kant wishes to establish and the concepts that are deployed in developing that conclusion. Adorno will find that contradictions appear, and inevitably so given the impossibility of realising the intention in its Idealist form. The lessons that are drawn from these difficulties guide Adorno in determining the parameters within which a space for a new account of reason's autonomy is to be developed. This approach indicates the significance for Adorno of Kant's endeavour. In criticising Kant Adorno understands himself to be engaging with the exemplary articulation of Idealism's conception of the autonomy of reason: if that conception ultimately fails then it is symptomatic of Idealism's failure, on this point, as a whole.

The central significance of Kant's thesis for Adorno is that it attempts to give foundation to the idea that human beings are capable of reflective engagements with immediacy (*ND*, 221; *GS* (Adorno) VI, 220).[6] By

b. 'Die Natur ist als ein *System von Stufen* zu betrachten, deren eine aus der andern notwendig hervorgeht und die nächste Wahrheit derjenigen ist, aus welcher sie resultiert, aber nicht so, daß die eine aus der andern *natürlich* erzeugt würde, sondern in der inneren, den Grund der Natur ausmachenden Idee.' G. W. F. Hegel, *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), IX, § 249, 31

c. 'Hegels objektiver Idealismus wird in der Ästhetik zur krassen, nahezu unreflektierten Parteinahme für subjektiven Geist.' Theodor W. Adorno, *Ästhetische Theorie*, in *Gesammelte Schriften*, ed. Rolf Tiedemann, 20 vols. (Frankfurt: Suhrkamp, 1970) (hereafter *GS* (Adorno)), VII, 117

immediacy is meant anything which serves as a quasi-natural trigger for action, and that includes those forms of life that have taken on the character of what critical theory thinks of as 'second nature': in particular, the norms of our institutionalised existences, the blind application of manipulating forms of reason. The autonomy of reason implies that we have the possibility of withstanding and in that specific sense placing ourselves outside the conditioning of these forms of immediacy. That is the principle, though it is faced with a difficult reality.

In the era of what Adorno and the Frankfurt school identify as 'late capitalism' reason's autonomy has become problematic. Capitalism, it is claimed, does not merely structure the exchange of goods, it influences all forms of interaction, thereby reducing them to acts of strategic calculation. Agents manipulate themselves and others in order to succeed within this system. Even love, Adorno believes, does not escape that conditioning. In *Minima Moralia*, following Proust, he writes:

> The exchange relationship that love partially withstood throughout the bourgeois age has completely absorbed it; the last immediacy falls victim to the distance of all the contracting parties from all others. Love is chilled by the value that the ego places on itself.[d,7]

In this environment reason is anything but autonomous: it is the mechanism of negotiating intra-institutional life, never a critical attitude towards the norms that allow capitalism to be experienced as second nature.

In some ways Adorno's identification of late capitalism as a destructive dynamic falls within a long-standing form of social criticism: that the human capacity for reason or wisdom is compromised by the independence-sapping influences of the collective ideas of the mob, the priests, the system. But there is a further claim in Adorno's position that separates it from social criticism in that perennial form. Whereas conventional criticism attempts to identify the ways in which reason is suffocated by powerful social forces Adorno argues that reason itself is vulnerable to unreasonableness. Human beings can live by means of a model of reason, valorise it and order the world according to it, but yet the model may be destructive. He holds that the very notion of reason's primacy comes with this danger, that it can position itself as 'taming, suppressing, ordering and governing whatever is unreasonable,

d. 'Das Tauschverhältnis, dem sie durchs bürgerliche Zeitalter hindurch partiell sich widersetzte, hat sie ganz aufgesogen; die letzte Unmittelbarkeit fällt der Ferne aller Kontrahenten von allen zum Opfer. Liebe erkältet am Wert, den das Ich sich selber zuschreibt.' Adorno, *Minima Moralia: Reflexionen aus dem beschädigten Leben*, in *GS* (Adorno), IV, §107, 190–1

instead of absorbing it into itself in a spirit of reconciliation'.[e,8] Adorno theorises this problem as what he calls, following Lukács, the phenomenon of reification (*Verdinglichung*).

Reification is a state of affairs in which there are only quantitative and therefore mutually translatable differences within and between objects. Adorno believes this is typical of the scientific 'modes of procedure' (*Verfahrungsweisen*) (*ND*, 233, translation amended; *GS* (Adorno), VI, 232), but it now reaches outside scientific processes of the classification of nature and into the space of everyday judgements about how one should act and how we are to think about other people. Differentiations between objects are established by reference to preconceived conceptualisations of what those objects can be. This behaviour excludes the possibility of surprise at the distinctive character of particular objects. It gains its grip on us because, as Adorno puts it, we forget what objects really are. As he explained in a letter to Walter Benjamin, an explanation later echoed in *Dialektik der Aufklärung*: 'For all reification is a forgetting: objects become purely thing-like the moment they are retained for us without the continued presence of their other aspects: when something of them has been forgotten'.[f,9] Theories that take consistency as a criterion of reason are reified. According to Adorno they place 'logical stringency' (*ND*, 233) over experience of the complexity of objects, a complexity that must be 'forgotten' for that stringency to succeed. Under these conditions, Adorno writes, the 'autonomy of reason vanishes: *the part of reason that exceeds the subordinate reflection upon and adjustment* to pre-given data'.[g,10] Acts of reason, in other words, are limited in advance by what is to count as reasonable.

Autonomous agency as coercion

Adorno understands reifying judgements as a kind of coercion, a coercion he finds reproduced by Idealism's autonomous reason. The word he generally uses to capture the manner in which these judgements act on objects is

e. 'Im Begriff der Vormacht der Vernunft, in dem Begriff also, daß die Vernunft etwas sei, welches ein Unvernünftiges zu bändigen, zu unterdrücken, zu regeln, zu beherrschen habe, anstatt es versöhnt in sich aufzunehmen.' Theodor W. Adorno, *Zur Lehre von der Geschichte und von der Freiheit*, in *Nachgelassene Schriften* IV/13 (Frankfurt: Suhrkamp, 2001), 69

f. 'Denn alle Verdinglichung ist ein Vergessen: Objekte werden dinghaft im Augenblick, wo sie festgehalten sind, ohne in allen ihren Stücken aktuell gegenwärtig zu sein: wo etwas von ihnen vergessen ist.' Theodor W. Adorno and Walter Benjamin, *Briefwechsel 1928–1940*, ed. Henri Lonitz (Frankfurt: Suhrkamp, 1994), 417

g. 'Die Autonomie der Vernunft entschwindet; das an ihr, was sich nicht erschöpft im Nachdenken eines Vorgegebenen, dem sie sich anmißt.' Adorno, *GS* (Adorno), X/2, 464

'*Zwang*', and from its range of connotations – which include compulsion and constraint – it is that of coercion that is emphasised. As coercion it is violence against objects but also against self. That *Zwang* and reification are conceptually related for Adorno means that knowledge as *Zwang* is itself a kind of forgetting. Thought begins its engagement with objects by fitting them into patterns that are familiar. In this respect objects are made into something they are not, but that should be only the beginning of knowledge: 'without a coercive moment there could be no thinking' (*ND*, 233).[h] Idealism, however, conceives knowledge wholly within this structure. Because it locates the autonomy of reason in the subject alone it excludes the possibility of an account of how we can proceed beyond the coercive moment with which thinking begins.

Hegel's Idealism is accused of placing priority on the systematisation of knowledge over experience. With the assumption that the fundamental principles of reality as the products of reason must somehow fit together, Hegel forces, Adorno alleges, reality into a system.[11] Contrary to Hegel's claim that the system simply unfolds as necessitated by the objects under consideration, Adorno argues, the 'Hegelian system in itself was not a true becoming; implicitly, each single definition in it was already preconceived. Such safeguards condemn it to untruth' (*ND*, 27).[i] Kant too is accused of distorting experience by operating with a system. However, it is his notion of freedom as causality that, for Adorno, marks out its distinctive form of coerciveness.

Adorno critically considers Kant's claim that reason conceived as a 'law-making power' converts freedom into 'a "special sort of causality"' (*ND*, 255).[j] Kant is trying to convey the efficaciousness of practical reason. It can determine the will and thereby produce an effect in the world. Kant's position makes appeal to consciousness or reason as possessing causal power of some kind. The obvious strangeness of that idea has prompted alternative models of action which attempt to avoid the language and logic of causality altogether.[12] Certainly – as we shall see further on – Adorno is concerned by the dualism implicit in this theory of action. His primary criticism, though, is the relationship of subject (agent) to object (others, nature) to which the model of freedom as causality is committed. As causality reason, the

h. 'Ohne Zwangsmoment indessen könnte Denken überhaupt nicht sein.' *GS* (Adorno), VI, 232
i. 'Das Hegelsche war nicht in sich wahrhaft ein Werdendes, sondern implizit in jeder Einzelbestimmung bereits vorgedacht. Solche Sicherung verurteilt es zur Unwahrheit.' *GS* (Adorno), VI, 38
j. 'Darum muß er Freiheit von Anbeginn als "besondere Art von Causalität" vorstellen. Indem er sie setzt, nimmt er sie zurück.' *GS* (Adorno), VI, 252

highest exercise of freedom, is not conceived as the power to act and react. In principle, the idea of the exercise of reason as efficient causality need not suggest coercion (violence done to the non-agent). It is simply the intentional action of the agent. Adorno's claim, though, is that the Kantian conception rigidifies the relationship of the agent towards the world and narrows its self-understanding of what kind of action is available to it to the resources of its own rationality. This turns out to be the business of imposing form on a world that is not made in the form of reason the agent assumes (i.e. the thing-in-itself, our pathological character). And the autonomy of reason grants the agent this relationship to the object, Adorno argues, as affecting objects but not being affected by them: it is not response, but the power to make objects what the subject's reason deems them to be. He writes:

> Freed from the compulsion of identity [*Identitätszwang*], thinking might perhaps dispense with causality, which is made in the image of that compulsion. Causality hypostatises the form, as binding upon a content which on its own would not assume that form . . . (*ND*, 234)[k]

Adorno establishes the charge that transcendental practical philosophy is in some respect a violence against experience by reading Kant's notion of *Zwang* in a particular and obviously contentious way. Kant conceives *Zwang* as a freely adopted constraint that the rational being places on the urgings of his/her sensuous being. In the second *Critique* he writes:

> As *submission* to a law, that is, as a command (indicating constraint [*Zwang*] for the sensuously affected subject), it therefore contains in it no pleasure but instead, so far, displeasure in the action. On the other hand, however, since this constraint is exercised only by the lawgiving of his own reason, it also contains something elevating.[l,13]

It is elevating in that the subject can now 'cognise himself' as 'free'. Kant, as we have just seen, admits that the experience of *Zwang* is not always an agreeable one regardless of the freedom of choice through which the rational agent came to adopt this constraint. It is always – it seems – aimed against

k. 'Des Identitätszwangs ledig, entriete Denken vielleicht der Kausalität, die jenem Zwang nachgebildet ist. Sie hypostasiert die Form als verbindlich für einen Inhalt, der von sich aus diese Form nicht hergibt . . .' *GS* (Adorno), VI, 232

l. 'Es enthält also, als *Unterwerfung* unter ein Gesetz, d.i. als Gebot (welches für das sinnlich-affizierte Subjekt Zwang ankündigt), keine Lust, sondern, so fern, vielmehr Unlust an der Handlung in sich. Dagegen aber, da dieser Zwang bloß durch Gesetzgebung der *eigenen* Vernunft ausgeübt wird, enthält es auch *Erhebung* . . .' I. Kant, *Kant's gesammelte Schriften*, ed. Königlich preussische Akademie der Wissenschaften (Berlin: W. de Gruyter, 1900–) (hereafter *GS*), V, 80–1

the agent's pathological inclinations and tendencies toward self-love. Appropriately, the source of this *Zwang*, Kant claims, is 'intellectual'.[14] Viewed in one way Kant's proposal appears commonsensical: when an individual determines a course of action, that individual now has a reason to self-deny attractive opportunities which may be diversions from that course. Yet what Kant is proposing does not disallow the presence of a peculiar misery in the adoption of a self-constraint, of going against what one might want to do and thereby feeling necessitation to undertake, as he writes, 'what one does not altogether like to do'.[m,15] Clearly, acting in this way is not equivalent to acting against one's will, as in situations of coercion. At the same time, one must go against some part of one's will in order to be autonomous. Within this Kantian conception of moral motivation the authority of reason is to win in the end over the authority of sensuousness.

It is noteworthy that Kant elsewhere expresses the tension between *Zwang* and freedom in a way that might even serve to bring into question the value of *Zwang*. In the first *Critique* he describes the discipline of pure reason as *Zwang*, contrasting it with culture as a space of self-realisation. He writes:

> The *compulsion* [*Zwang*] through which the constant propensity to stray from certain rules is eliminated and finally eradicated is called *discipline*. It is different from *culture*, which would merely produce a *skill* without first cancelling out another one that is already present. In the formation of a talent, therefore, which already has by itself a tendency to expression, discipline will make a negative contribution, but culture a positive.[n,16]

While it would be wrong to interpret *Zwang* here as connoting the fettering experience of coercion it does appear, nevertheless, to indicate a negatively restrictive experience. Whereas 'culture', which follows no necessary course, permits the development of our abilities, discipline produces rigour in our knowledge and protects us from error. Discipline as *Zwang* sits uneasily with the variety of freedom that is exemplified in working outside rules. It therefore involves what Kant, in the second *Critique*, refers laconically to as 'some sacrifice [*Aufopferung*]'.[17]

m. 'Selbstzwang, d.i. innere Nötigung zu dem, was man nicht ganz gern tut'. *GS* v, 84
n. 'Man nennet den *Zwang*, wodurch der beständige Hang, von gewissen Regeln abzuweichen, eingeschränkt, und endlich vertilget wird, die *Disziplin*. Sie ist von der *Kultur* unterschieden, welche bloß eine *Fertigkeit* verschaffen soll, ohne eine andere, schon vorhandene, dagegen aufzuheben. Zu der Bildung eines Talents, welches schon vor sich selbst einen Antrieb zur Äußerung hat, wird also die Disziplin einen negativen, die Kultur aber und Doktrin einen positiven Beitrag leisten.' *GS* iv/iii, A709–10/B737–8

It is this range of thoughts, in which *Zwang* signifies a kind of imposition on a subject that is in some sense unwilling, that underpins Adorno's reading of Kant's notion of *Zwang* generally. The world, including the whole human being, is formed after the image of order or law-likeness that is the particular definition of reason in Kant's philosophy. Freedom, which is not the experience of action without planning (or discipline), becomes instead the unilateral power of the agent to be the cause of its objects. Adorno writes:

> The Kantian freedom means the same as pure practical reason, the producer of its own objects; this, we are told [by Kant], has to do 'not with objects or their cognition, but with its own faculty to make those objects real (in line with their cognition)'. (*ND*, 255–6)[o]

Adorno interprets Kant's claim here to imply that the supposed causality at work in these acts of construction is rather straightforwardly a process of domination. He continues: 'The absolute volitional autonomy implied therein would be the same as absolute rule of one's inner nature' (*ND*, 256).[p] In essence, the role of reason is to suppress the impulse for action and instead create motivations for action out of reason. This suppression creates a particular type of human being by selecting, as that which elevates us, that part of our capacities that alone can conform to law-likeness: pure reason.

Adorno explores the relationship not only between *Zwang* as causality and freedom but between the very notion of freedom as causality and the terms of the Kantian division of reality. Kant presents us with two spaces within which to place the totality of the agent's motivations and actions, namely within the world of appearance – the phenomenal world – or that of freedom – the noumenal world. Adorno argues that Kant's notion of freedom as causality cannot be placed within either option without collapsing that notion. The option of noumenality is to be excluded, Adorno argues – expressing a familiar worry – because a noumenal agent could not be intelligibly conceived as having purchase on the phenomenal world. This means that a theory of noumenal causality must be rejected in principle. It leaves the agent outside a space in which action is possible. If this notion is nevertheless to be maintained it generates only what Adorno sees as subjectification: 'The

o. 'Gegebenheit indessen ist, worauf das Wort anspielt, das Gegenteil von Freiheit, nackter Zwang, ausgeübt in Raum und Zeit. Freiheit heißt bei Kant soviel wie die reine praktische Vernunft, die ihre Gegenstände sich selber produziert; diese habe zu tun "nicht mit Gegenständen, sie zu erkennen, sondern mit ihrem eigenen Vermögen, jene (der Erkenntniß derselben gemäß) wirklich zu machen".' *GS* (Adorno), VI, 252–3

p. 'Die darin implizierte absolute Autonomie des Willens wäre soviel wie absolute Herrschaft über die innere Natur.' *GS* (Adorno), VI, 253

semblance of a noumenal objectivity of practical reason establishes its complete subjectification; it is no longer clear how its intervention across the ontological abyss may reach anything that is at all' (*ND*, 237).[q] This conception of the noumenality of autonomous practical reason, Adorno argues, actually depracticalises the agent. Reason is explicable in independence of objects, but what can reason be about if it needs no reference to objects – to complex states of affairs – to which it might react and respond? We can find some support for Adorno's worry by turning to a distinction Kant himself makes in the second *Critique* between choices grounded in autonomous reason and those grounded in heteronomy. The former, it seems, are straightforwardly apparent, whereas the latter – perhaps in the manner of phronetic practical reason – require experience. Kant writes:

> What is to be done in accordance with the principle of the autonomy of choice is seen quite easily and without hesitation by the most common understanding; what is to be done on the presupposition of heteronomy of choice is difficult to see and requires knowledge of the world.[r,18]

The effective practicality of the agent is understood purely in terms of formal reason. The very idea, according to Adorno's interpretation, is paradoxical: it is 'that absolutely sovereign reason . . . is to have the capacity to work empirically irrespective of experience and irrespective of the leap between action and deed' (*ND*, 236).[s]

The notion of phenomenal causality is also problematic, though for quite different reasons. Kant does not want, of course, the causality of the autonomous agent to be phenomenal as this would place the agent wholly within the space of empirical causality. But Adorno holds that this commitment is implicit in Kant's understanding of how the agent acts. For Adorno, as we have seen, Kant's theory of autonomy entails action in the world, by an agent in the world against the objects of the world. In this regard Kant follows, without realising it, the growing conception of human beings as rational by measure of their capacity to master nature. There is nothing in

q. 'Den Schein der ansichseienden Objektivität praktischer Vernunft stiftet ihre vollendete Subjektivierung; nicht länger erhellt, wie sie, über den ontologischen Abgrund hinweg, eingreifend Seiendes irgend erreichen soll.' *GS* (Adorno), vi, 235

r. 'Was nach dem Prinzip der Autonomie der Willkür zu tun sei, ist für den gemeinsten Verstand ganz leicht und ohne Bedenken einzusehen; was unter Voraussetzung der Heteronomie derselben zu tun sei, schwer, und erfordert Weltkenntnis.' *GS* v, 36

s. '[E]rst als entgegenständlichte wird sie zu jenem absolut Souveränen, das in der Empirie ohne Rücksicht auf diese, und auf den Sprung zwischen Handeln und Tun, soll wirken können'. *GS* (Adorno), vi, 235

this conception which elevates the subject outside the world of appearances. Adorno concludes: 'what the aporetical construction of freedom rests upon is not the noumenal but the phenomenal . . . it is naked compulsion, exerted in space and time' (*ND*, 255).[t]

The unity and heteronomy of reason

The Idealists take the claim that reason is unified as a corollary of its autonomy. Were it without unity there would be separate rationalities, a conclusion which could be reached only by ignoring the analogous roles played by reason in its separate domains. Adorno criticises this notion as it effectively insists that reason can be conceived in separation from the realities with which it is engaged. Autonomous reason, Adorno charges, is construed as a unity only by rendering it into a meaningless abstraction, 'purified of all externality' (*von allem Äußeren getrennt*).[19] The parts of the world to which philosophical reason directs itself – materiality – do not exert any influence on the operating principle of that reason. Adorno reports Kant's claim for that unity as follows:

> The terminologically suggested difference between pure theoretical and pure practical doctrine; the difference between a formally logical and a transcendentally logical doctrine; finally the difference of the doctrine of ideas in the narrow sense – these are not differences within reason in itself. They are solely differences concerning its application, said either to have nothing to do with objects or to refer to the possibility of objects pure and simple, or – like practical reason – to create its objects, the free acts, out of itself. (*ND*, 234)[u]

The very definition of unity in this sense, however, is unsustainable. How could it explain even the different applications of the same reason; that is, what would induce the exercise of practical reason in one context but not in another? If there is a distinction between theoretical reason, practical reason

t. 'Tatsächlich basiert die aporetische Konstruktion der Freiheit nicht auf dem Noumenalen sondern auf dem Phänomenalen . . . Gegebenheit indessen ist, worauf das Wort anspielt, das Gegenteil von Freiheit, nackter Zwang, ausgeübt in Raum und Zeit.' *GS* (Adorno), VI, 252–3

u. 'Der terminologisch suggerierte Unterschied zwischen der reinen theoretischen und der reinen praktischen, ebenso der zwischen einer formal- und transzendentallogischen und schließlich der der Ideenlehre im engeren Sinn sind nicht Differenzen innerhalb der Vernunft an sich, sondern einzig solche hinsichtlich ihres Gebrauchs, der entweder überhaupt nichts mit Gegenständen zu tun habe, oder auf die Möglichkeit von Gegenständen schlechthin sich beziehe, oder, wie die praktische Vernunft, seine Gegenstände, die freien Handlungen, aus sich heraus schaffe.' *GS* (Adorno), VI, 233

and even reason in its teleological employments (the third *Critique*) that distinction must, Adorno claims, refer to its regions of application and the experience the agent is attempting to negotiate. In this case, however, 'the subdivision of reason by objects makes it depend, contrary to the doctrine of autonomy, on the extra-rational which it is supposed not to be' (*ND*, 235).[v] In other words, the unity of reason, of different functions of reason, must always point towards the world itself in order to make sense of the different interests it possesses (normative or theoretical). This disrupts the claim to unity, though, in that it reveals, according to Adorno, 'reason's inner dependence upon what is not identical with it' (*ND*, 235),[w] i.e. the objects it attempts to order and form. He also refers to the material with which reason is engaged as 'a condition of its [reason's] own possibility' (*ND*, 243; *GS* (Adorno), VI, 241). This clearly erodes the basis of the claims for reason's absolute autonomy. The extra-rational as a condition of reason's application would, Adorno argues, 'make it [reason] heteronomous' (*ND*, 243; *GS* (Adorno), VI, 241).

That conclusion does not specify whether reason's formal processes are affected by the objects to which it is applied. Of course, Adorno believes objects affect reason in that way: he is a consistent critic of formalism. But if Kant does not – and the reading is immanent – then it is possible to maintain that it is one and the same reason even in its diverse applications. There are various options available in interpreting what Kant actually intends by the notion of reason's unity. Pauline Kleingeld notes:

> it seems that Kant defends three incompatible claims regarding the unity of reason. It would seem that he cannot consistently hold at the same time that (1) theoretical and practical reason are one and the same reason, applied differently, (2) that he still needs to show that they are, and (3) that they are united.[20]

It is the material of claim (1) that Adorno had taken as his text for the unity of reason. In the conclusion of her analysis, to cite its first part, Kleingeld writes:

> Kant's three claims about the unity of reason are consistent. The claim that theoretical and practical reason are one and the same faculty, merely applied differently, should be seen as a regulative principle

v. '[D]ie Unterteilung der Vernunft nach ihren Objekten mache sie, wider die Lehre von der Autonomie, abhängig von dem, was sie nicht sein soll, vom Außervernünftigen'. *GS* (Adorno), VI, 234

w. '[D]ie inwendige Verwiesenheit der Vernunft auf ihr Nichtidentisches . . .' *GS* (Adorno), VI, 234

Table 9.1 *Reason's* Doppelschlächtigkeit

	Subjective	Objective
Theoretical reason	(a1) Pure form	(b1) Totality of objective validities
Practical will	(a2) Spontaneity	(b2) Creates its own objects

> based on reason's own interest in systematicity, and not as a claim to knowledge.[21]

Adorno's line of argument diverges from Kleingeld's minimalist account. Adorno holds that Kant is committed to prioritising the principles of autonomy and unity of reason over the capacity of the world to inform the activities of reason. And he also wants to claim, in contrast to Kleingeld, that reason for Kant is an act of constructivism directed towards the world: it is therefore tied to knowledge. In other words, the interest in systematicity is at the same time, in Adorno's interpretation, an interest in knowledge purely from within reason's own competence.

Reason as ontology

That last charge leads us to Adorno's claim that, on the basis of the autonomy and unity of reason, Kant grants the rational agent implicit total possession of objectivity. Reason is inscribed in the subject alone, not in its actions, as these must refer to states of affairs outside the subject. The special capacity of the agent to judge or act autonomously is intelligible independently of the empirical, historical contexts in which those judgements or actions are undertaken. Reason for Kant, Adorno maintains, is (a1) (my numeration) 'the pure form of subjectivity' (*ND*, 234; *GS* (Adorno), VI, 233). (It is difficult to know what part exactly of Kant's philosophy is being referred to by Adorno in that proposition.) But according to Adorno there is a further dimension to Kant's notion of reason: namely, anything which can be true falls within the system of reason. Here reason is, as Adorno puts it, (b1) 'the totality of objective validities, the archetype of all objectivity' (*ND*, 234).[x] The co-existence of these two characteristics – reason's 'double-edged character' (*Doppelschlächtigkeit*) (*GS* (Adorno), VI, 234; Table 9.1) – Adorno argues, collapses objectivity into the subject: the subject, taking on an ontological role, is reason and anticipates all possible validities. That there might be

x. 'Inbegriff objektiver Gültigkeit, Urbild aller Objektivität'. *GS* (Adorno), VI, 233

objectivity in 'anything opposed to the subject' is excluded in principle (*ND*, 234; *GS* (Adorno), vi, 234). This places pressure, Adorno believes, on the very notion of 'the objectivity of truth' (*ND*, 234; *GS* (Adorno), vi, 234) since truth, in this model, is grounded in subjectivity alone.

This dual structure of reason, Adorno argues, also manifests itself in Kant's concept of the rational will. The will is said to be (a2) pure subject: only as subject, not as object, can it be thought of as spontaneous, not passive and reactive. Adorno also attempts to map the basic intention of (b1) onto the will. He suggests (b2) that the will takes on the role of creating objectivity. He has in mind Kant's notion that the will of the practical agent makes its own objects. He writes: 'Only the will's a priori ontical nature, which is extant like a quality, permits us, without being absurd, to make the judgment that the will creates its objects, the actions' (*ND*, 235).[y] As we can see in Table 9.1, the correlation between the objective orientations of theoretical and practical reason is not quite as neat as Adorno's discussion might suggest.

In these two distinguishable deployments of reason the agent becomes both the efficient – it is free of the influence of heteronomy – and formal cause of the objects: what is important in objects is that they can be referred back to the capacities of the agent. Their materiality, whether in the image of the thing-in-itself or in impulses which are not caused by the agent are, Adorno claims, 'banned as heteronomous' (*ND*, 235; *GS* (Adorno), vi, 234). Because the object is understood through the actions of the agent the '*differentia specifica* of act and object [*Gegenstand*]' (*ND*, 238; *GS* (Adorno), vi, 236) are written out of what we need to account for when we think about objectivity.

Nature in reason

Adorno's efforts to develop an account of reason's autonomy are framed by the conclusions reached in his analysis of Kant. What that account of autonomy must eschew is any notion of reason as fully explicable as a causal or instrumental orientation towards the world; the role of materiality – the extra-rational – needs to be accommodated in explaining the exercise of reason; the rational agent must be conceived as located in the world. In order to provide a theory which contains these elements Adorno believes that we must include, among the conditions of reason's autonomy, what Kant had designated as heteronomy: i.e. nature. The challenge this presents

y. 'Nur dank seiner a priori ontischen Natur, der eines gleich wie eine Eigenschaft Vorhandenen, kann von ihm ohne Widersinn geurteilt werden, daß er seine Objekte, die Handlungen, schaffe.' *GS* (Adorno), vi, 234

is clear: the autonomy of reason can no longer be defended as a thesis about reason's separation from nature, yet reason cannot be, either, wholly subject to nature. Reason will instead be explained, as we shall see, as a 'dialectical' phenomenon in that it is both 'a moment of nature and yet something else' (*ND*, 289).[z] And even its character as 'something else' is to be understood as a natural process.

Adorno introduces this dialectical concept through a speculative story in which (what look quite like) conventional ideas about the evolutionary development of human reason are fused with Freudian concepts about the role of the instincts in the development of the human being. The intellectual sphere that this theorisation occupies is elusive. While Adorno believes that his descriptions of the development of reason objectively capture the phenomenon under consideration his method is certainly not one of science. Furthermore, Adorno may marshal a considerable number of Freudian concepts, but he does not take Freud's account of the drives/instincts – material that is central to his own theory – as a final description of the human psyche (see *ND*, 273; *GS* (Adorno), VI, 269). Indeed, Adorno freely adjusts some of Freud's conclusions, particularly when they, as Adorno sees it, fall short in recognising the particular ways in which the drives are socialised (see *ND*, 349; *GS* (Adorno), VI, 342). But Freud, nevertheless, is for Adorno a radical thinker whose theory amounts to no bourgeois ideology. Adorno believes that Freud's drive theory does not assume the ultimacy of individuality. In this regard he is to be strongly differentiated from the neo-Freudians – Karen Horney in particular – whom Adorno accuses of 'talking incessantly about the influence of society upon individuals', without appreciating 'that not only the individual but the very category of individuality is a product of society'.[aa,22] Devoid of that insight psychoanalysis becomes 'social conformism'.[23]

Adorno regards freedom and reason as aspects of the one psychic phenomenon: the ability to think and act without reflex is at the same time a capacity to initiate in contrast to being caused to respond: 'If passive reactions were all there is', he writes, 'there could be no thinking' (*ND*, 217).[bb] The emergence of freedom/reason is explained by Adorno within the biological drive for self-preservation. Somehow the very capacity for reason, as

z. '[E]in anderes als Natur und doch ein Moment von dieser . . .' *GS* (Adorno), VI, 285

aa. 'Während sie unablässig über den Einfluß der Gesellschaft aufs Individuum reden, vergessen sie, daß nicht nur das Individuum, sondern schon die Kategorie der Individualität ein Produkt der Gesellschaft ist'. Theodor W. Adorno, 'Die revidierte Psychoanalyse', *GS* (Adorno), VIII, 27

bb. 'Bliebe es bei den passiven Reaktionen, so bliebe es, nach der Terminologie der älteren Philosophie, bei der Rezeptivität: kein Denken wäre möglich.' *GS* (Adorno), VI, 216

a capacity to think, has 'genetically evolved from the force of human drives' (*ND*, 230).[cc] He claims that 'self-preservation in its history calls for more than conditioned reflexes, and thus it prepares for what it would eventually transcend' (*ND*, 217).[dd] Conditioned reflexes, presumably, produce merely uniform responses to the same environmental challenges.

Adorno, arguably, can find room within Freud's theory for a developmental account of reason, even though Freud himself does not offer a theory of the development of human cognitive capacities. Notwithstanding, some broad indications in his work on the drives/instincts might seem to allow space within which such a theory could be envisaged. In 'The Instincts and Their Vicissitudes' he identifies instinctual stimuli (*Triebreize*) as demands which cannot be met in the way that the demands of external stimuli are met, namely, by 'muscular movement'. The demands of these instincts or drives can be addressed only by the organism's adjustment of some feature of the outer world 'to afford satisfaction to the internal source of stimulation'.[ee,24] In order to achieve that adjustment it seems that the organism itself must change. The need to satisfy the instinctual stimulus creates a dynamic for the development of the organism. Freud writes:

> We may therefore well conclude that instincts and not external stimuli are the true motive forces behind the advances that have led the nervous system, with its unlimited capacities, to its present high level of development. There is naturally nothing to prevent our supposing that the instincts themselves are, at least in part, precipitates of the effects of external stimulation, which in the course of phylogenesis have brought about modifications in the living substance.[ff,25]

Adorno argues that there is a connection between the emergence of reason and that of self. Non-reflective creatures – those that operate on conditioned responses – display unified responses to whatever threatens them. The nature of this 'unity' is unclear. But Adorno proposes that the evolved

cc. 'Vernunft [hat] genetisch aus der Triebenergie als deren Differenzierung sich entwickelt . . .' *GS* (Adorno), VI, 229

dd. 'Selbsterhaltung ihrerseits verlangt, in ihrer Geschichte, mehr als den bedingten Reflex und bereitet damit vor, was sie schließlich überschritte.' *GS* (Adorno), VI, 216

ee. '[D]aß sie der inneren Reizquelle die Befriedigung bietet . . .' Sigmund Freud, 'Triebe und Triebschicksale', in *Gesammelte Werke* X, ed. Anna Freud (Frankfurt: Fischer, 1999), 213

ff. 'Wir dürfen also wohl schließen, daß sie, die Triebe, und nicht die äußeren Reize, die eigentlichen Motoren der Fortschritte sind, welche das so unendlich leistungsfähige Nervensystem auf seine gegenwärtige Entwicklungshöhe gebracht haben. Natürlich steht nichts der Annahme im Wege, daß die Triebe selbst, wenigstens zum Teil, Niederschläge äußerer Reizwirkungen sind, welche im Laufe der Phylogenese auf die lebende Substanz verändernd einwirkten.' Freud, 'Triebe und Triebschicksale', 213–14

capacities of the reflective creature – over the purely reflexive – 'presumably emulate the biological individual's prescription of the form of his reflexes; the reflexes scarcely would be without any unity' (*ND*, 217).[gg] The unity of the creature is reproduced in new form in human beings gaining a reflective (freedom/reason) capacity. As human beings – if, in fact, Adorno means human beings – moved from pure passivity and receptivity, in which self-preservative instincts were simply activated, towards reason and freedom in which some kind of space exists between threat and action – notwithstanding the persistence of a certain conditioned reflexivity – the original unity of the instinctive 'compulsive' creature carried over into the unity of the will that is characteristic of creatures like us. The 'reflective faculty' takes possession of the challenges of self-preservation and this 'opens up the difference that has evolved between the self and the reflexes' (*ND*, 217).[hh] As Adorno recognises, it is the ego or self that Freud identifies with the primal drive for self-preservation ('the self of self-preservation' (*ND*, 217; *GS* (Adorno), VI, 217)). But this acknowledgement raises a puzzling issue in Adorno's appropriation of Freud's position. Freud distinguishes between 'the *ego*, or *self-preservative*, instincts and the sexual instincts'.[ii,26] He also describes the sublimation of the pleasure principle as 'the influence of the ego's instincts of self-preservation'.[jj,27] So how then can we hold, as Adorno effectively does, that it is a primal act of self-preservation that explains the emergence of the self? Self-preservation presupposes the self. The position articulated appears to be, after all, a synthesis of conventional claims about the development of human cognitive capacities and Freudian drive theory.

Adorno does not hold that the emergent self stands, ultimately, 'beyond nature' (*ND*, 220; *GS* (Adorno), VI, 219). Subjects are, he writes, 'fused with their own physical nature [*Körperlichkeit*]' (*ND*, 221; *GS* (Adorno), VI, 220). This contention rests on the idea that reason is inseparable from self-preservation. Exploiting this suggestive account of reason's distinctive natural qualities Adorno rejects the two central planks of the notion of the autonomy of reason in the Idealist sense, proposing:

gg. 'Dabei lehnt sie vermutlich an das biologische Individuum sich an, das seinen Reflexen die Form vorschreibt; schwerlich wären die Reflexe ohne jegliches Moment von Einheit . . . ' *GS* (Adorno), vi, 216

hh. 'Sie kräftigt sich als das Selbst der Selbsterhaltung; ihm öffnet sich Freiheit als seine gewordene Differenz von den Reflexen.' *GS* (Adorno), VI, 216–17

ii. '[D]er *Ich-* oder *Selbsterhaltungstriebe* und die der *Sexualtriebe* . . .' Freud, 'Triebe und Triebschicksale', 217

jj. 'Unter dem Einflusse der Selbsterhaltungstriebe des Ichs wird es vom Realitätsprinzip abgelöst'. Sigmund Freud, *Jenseits des Lustprinzips*, in *Gesammelte Werke* XIII, ed. Anna Freud (Frankfurt: Fischer, 1999), 6

(i) reason is not independent of self-preservation (it thus has interests that are not typical of its supposed autonomy);
(ii) it is not a power that is independent of nature (independent of instincts does not mean dualistically other than them).

This quasi-Freudian model is not merely descriptive, then: it provides a critical standpoint from which to tackle the very idea of reason as standing outside nature. The mistake is to believe, as Adorno puts it, that reason 'as the psychological force split off and contrasted with nature' is 'nature's otherness' (*ND*, 217).[kk] But this is not just a philosophical mistake. It is a belief which has come to influence the self-understanding of individuals in modernity. As beings capable of rational autonomy they are directed by the ego. The implications of this self-understanding are manifest in how human beings act: as ego creatures they act out of self-preservation, though they understand themselves to be acting purely rationally. This is a profound misconception, Adorno argues: 'if the nature in reason itself is forgotten, reason will be self-preservation running wild and will regress to nature' (*ND*, 289).[ll] Self-preservation as the interest of the ego will be the exclusive drive of the organism.

It may seem surprising that Adorno should make that charge of a regression to nature when he himself urges a reconsideration of the natural basis of reason. What he has in mind, though, is that the purely reflexive actions of natural self-preservation are automatic responses. In this regard they make no differentiations between encountered objects. Ironically, reason's indifference to nature recapitulates the original indifference of the reflexes. Adorno writes that as reason 'became autonomous and developed into an apparatus, thinking also became the prey of reification and congealed into a high-handed method'.[mm,28] It has this character because it refuses to define itself as differentiated in its activities or judgements by what it encounters. Hence his remark: 'Detached from the object, autonomy is fictitious' (*ND*, 223; *GS* (Adorno), VI, 222).

How does this materialist perspective enable us to maintain some recognisable sense of the thesis of reason's autonomy? What that thesis means

kk. 'Naturhaft ist sie als die zu Zwecken der Selbsterhaltung abgezweigte psychische Kraft; einmal aber abgespalten und der Natur kontrastiert, wird sie auch zu deren Anderem.' *GS* (Adorno), VI, 216–17

ll. 'Je hemmungsloser jedoch die Vernunft in jener Dialektik sich zum absoluten Gegensatz der Natur macht und an diese in sich selbst vergißt, desto mehr regrediert sie, verwilderte Selbsterhaltung, auf Natur . . .' *GS* (Adorno), VI, 285

mm. 'Aber Denken ist gleichzeitig mit seiner Verselbständigung zur Apparatur Beute von Verdinglichung geworden, zur selbstherrlichen Methode geronnen.' *GS* (Adorno), X/2, 599

is that human beings have the capacity in some sense to control reflexive responses. Adorno tries to show – necessitated, perhaps, by the conceptual material to which he is committed – that it is only the ego itself that can take a view of our self-preservative instincts, instincts that rest, in the first instance, with the ego. It is a process of a 'self-reflection in thinking [*Selbstbesinnung*]' (*ND*, 233; *GS* (Adorno), VI, 232) that must nevertheless also be an act of self-preservation. In construing reason as capable of taking a view of itself once it perceives its instinctive interests Adorno aligns his critical position with that of the therapeutic practice of psychoanalysis. In this context reflection brings about a change in the individual's conception of him/herself. Alfred Tauber provides a salient account of the rationality of the therapeutic process:

> Freud argued, on the one hand, humans are subject to unconscious activities (framed within a biological conception), and thus subject to a form of natural determinism. On the other hand, the rational faculty of the ego permits, given proper support and articulation, the means of both understanding the deterministic forces of the unconscious as well as freeing the ego from their authority. Psychoanalysis thus depends on an implicit notion of autonomy, whereby the interpretative faculty would free the analysand from the tyranny of the unconscious in order to pursue the potential of human creativity and freedom.[29]

Similarly, Adorno holds that the ego can come to a view of its own tendencies: those which seem to impel it towards acts of violence against itself, acts that are legitimated by the imperatives of historical forms of self-preservation. He writes: 'The ego principle is implanted in them by society, and society rewards that principle although it curbs it' (*ND*, 297).[nn] The experience of this curtailment or constraint is what prompts therapeutic reflection. Adorno suggests that in psychoanalysis the 'theory of the ego as a totality of defence mechanisms and rationalisations is directed against the individual as ideology, against the ... *hubris* of the self-controlled individual ...' (*ND*, 352).[oo] The very reality of the ideological ego – the self of unreflecting self-preservation – can be brought into question by the ego itself. It seems to involve a moment in which the ego attempts to understand that

nn. '[D]as Ichprinzip ist ihnen von der Gesellschaft eingepflanzt, und sie honoriert es, obwohl sie es eindämmt'. *GS* (Adorno), VI, 292

oo. 'Die Theorie des Ichs als eines Inbegriffs von Abwehrmechanismen und Rationalisierungen zielt gegen die gleiche Hybris des seiner selbst mächtigen Individuums, gegen das Individuum als Ideologie.' *GS* (Adorno), VI, 345

the drive for self-preservation – which also constitutes it – is a threat (both to itself and others with whom it is affectively related). The individual as ego persists in its current form by denying itself the prospect of that knowledge. As Adorno puts it: 'For the sake of self-preservation the ego must always, in the moment of achieving it, suspend the knowledge which, for the sake of self-preservation, it has itself achieved, it must deny itself self-consciousness.'[pp,30] What Adorno is insisting here is that the ego's fear of its own destruction deflects it from knowledge, yet it is only through that knowledge that self-preservation can be secured.

This unusual theory perhaps helps to explain a controversial feature of Adorno's conception of how reason ought to be used under the conditions of current history. He tasks reason with the negative role of ensuring that we do not act out of the habitual norms that he associates with the identity thinking that culminated in the catastrophic events of the twentieth century. The socialised ego has understood its own health to be preserved solely by acting within, and perpetuating, those norms. Gaining awareness of the habituated norms of the socialised ego does not guarantee that one is no longer subject to them. For that reason a constant vigilance against the compulsion of those norms is what, ultimately, Adorno thinks of as rational autonomy today.[31] By contrast, a theory of autonomy which represents human beings as operating in a space above the drive for self-preservation – Kant's pre-eminently – misunderstands the interests of reason. In imagining itself to be pure it divests itself of self-reflection.

It is worth noting, before concluding, that Adorno's criticism of the Idealist conception of the autonomy of reason actually conserves the terms of Idealism itself. The freedom/nature dualism of that towering conception is not abandoned: it is dialectically reconstructed. Reason is both freedom and nature. Adorno's effort to convince us of that seems to be precariously conjectural. Its broad purpose, though, is clear enough. It is designed to address the limitations of the Idealist conceptualisation of reason's autonomy. As self-reflection reason is not instrumentally orientated, but is involved in the business of self-understanding, and that self-understanding obliges us to take ourselves seriously as instinctual beings whose apparently most rational actions turn out to be marked by self-preservative interests.

pp. 'Die Erkenntnisleistung, die vom Ich um der Selbsterhaltung willen vollzogen wird, muß das Ich um der Selbsterhaltung willen immer wieder zugleich auch sistieren, das Selbstbewußtsein sich versagen.' Theodor W. Adorno, 'Zum Verhältnis von Soziologie und Psychologie', *GS* (Adorno), VIII, 71

Notes

1. As Dieter Henrich expresses it: the practical autonomy of reason involves both that reason 'must contain principles of action which state *what* the will wills' and that it have 'the power to affect actions which take place solely because they are rational'; Dieter Henrich, *The Unity of Reason: essays on Kant's philosophy*, ed. Richard L. Velkley (Cambridge, MA: Harvard University Press, 1994), 94–5.
2. F. W. J. Schelling, 'Introduction to the outline of a system of the philosophy of nature', in *German Idealism: an anthology and guide*, ed. Brian O'Connor and Georg Mohr (Edinburgh: Edinburgh University Press, 2006), 371; 'Einleitung zu dem Entwurf eines Systems der Naturphilosophie', in F. W. J. Schelling, *Sämmtliche Werke*, ed. K. F. A. Schelling, 14 vols. (Stuttgart: Cotta, 1856–61), III, 277.
3. Schelling, 'Introduction to the outline of a system of the philosophy of nature', 368.
4. G. W. F. Hegel, *Philosophy of Nature: part two of the Encyclopaedia of Philosophical Sciences*, trans. A. V. Miller (2nd edn, Oxford: Clarendon Press, 2004), § 249, 20.
5. Theodor W. Adorno, *Aesthetic Theory*, trans. Robert Hullot-Kentor (London: Athlone, 1997), 75.
6. *ND*: Theodor W. Adorno, *Negative Dialectics*, trans. E. B. Ashton (London: Routledge, 1973).
7. Theodor W. Adorno, *Minima Moralia*, trans. E. F. N. Jephcott (London: New Left Books, 1974), § 107, 167.
8. Theodor W. Adorno, *History and Freedom: lectures 1964–65*, trans. Rodney Livingstone (Cambridge: Polity, 2006), 45.
9. Theodor W. Adorno and Walter Benjamin, *The Complete Correspondence 1928–1940*, ed. Henri Lonitz, trans. Nicholas Walker (2nd edn, Cambridge: Polity Press, 2006), Letter 117, 29 February 1940, 321.
10. Theodor W. Adorno, *Critical Models: interventions and catchwords*, trans. Henry W. Pickford (New York: Columbia University Press, 1998), 9.
11. For a fuller discussion of Adorno's reading of Hegel see Brian O'Connor, 'Adorno's reconception of the dialectic', in Stephen Houlgate and Michael Baur (eds.), *A Companion to Hegel* (Oxford: Blackwell, 2011), 537–55.
12. Influential cases being, as Rowland Stout shows, Gilbert Ryle, *The Concept of Mind*, and G. E. M. Anscombe, *Intention*. See Rowland Stout, 'Two ways to understand causality in agency', in Anton Leist (ed.), *Action in Context* (Berlin: Walter de Gruyter, 2007), 137–53.
13. Immanuel Kant, *Critique of Practical Reason*, trans. Mary Gregor, introduction by Andrew Reath (Cambridge: Cambridge University Press, 1997) (hereafter *CPrR*), 69.
14. *CPrR*, 30 (*GS* v, 32).
15. *CPrR*, 71.
16. Immanuel Kant, *Critique of Pure Reason*, trans. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1998).
17. *CPrR*, 71 (*GS* v, 83).
18. *CPrR*, 33.
19. Theodor W. Adorno, *Kant's 'Critique of Pure Reason'*, trans. Rodney Livingstone (Cambridge: Polity Press and Stanford CA: Stanford University Press, 2001), 186.

20. Pauline Kleingeld, 'Kant on the unity of theoretical and practical reason', *Review of Metaphysics* 52, no. 2 (1998), 312.
21. *Ibid.*, 338.
22. Translation B.O'C.
23. Adorno, 'Die revidierte Psychoanalyse', 29.
24. Sigmund Freud, 'The instincts and their vicissitudes', in *Standard Edition of the Complete Psychological Works of Sigmund Freud* XIV (1914–16): *On the History of the Psychoanalytic Movement, Papers on Metapsychology and Other Works*, ed. James Strachey and Anna Freud, with Alix Strachey and Alan Tyson (London: Hogarth Press, 1957), 120.
25. *Ibid.*
26. *Ibid.*, 124.
27. Sigmund Freud, *Beyond the Pleasure Principle*, in *Standard Edition of the Complete Psychological Works of Sigmund Freud* XVIII (1920–2): *Beyond the Pleasure Principle, Group Psychology and Other Works*, ed. James Strachey and Anna Freud, with Alix Strachey and Alan Tyson (London: Hogarth Press, 1955), 10.
28. Adorno, *Critical Models*, 127.
29. Alfred I. Tauber, 'Freud's dreams of reason: the Kantian structure of psychoanalysis', *History of the Human Sciences* 22, no. 4 (2009), 1–29, at 2.
30. Translation B.O'C.
31. For further discussion of Adorno's notion of autonomy as a resistance to the norms that socialise us, see J. G. Finlayson, 'Adorno on the ethical and the ineffable', *European Journal of Philosophy* 10 (2002), 1–25, and Brian O'Connor, *Adorno* (Abingdon, Oxon.: Routledge, 2013), ch. 5.

10

German neo-Hegelianism and a plea for another Hegel

Andreas Grossmann

According to a celebrated dictum in the preface to Hegel's *Elements of the Philosophy of Right*, philosophy's concern is to comprehend its own time in thought.[1] Notoriously, this sentence is often misunderstood, as though it were Hegel's intention to sanction and legitimate the Prussian state of the time. Rudolf Haym contributed greatly to this view's lasting influence with his lectures on 'Hegel and His Time', published in 1857. Haym could discern in Hegel only the philosopher in service to the Prussian state in the Restoration period, a philosopher who accommodated that state as a matter of course, even 'cuddling up' to it. Thus 'the Hegelian system' and especially the philosophy of right had become, according to him, 'the scholarly abode of the Prussian Restoration's spirit'.[a] Friedrich Meinecke, in his major work *Weltbürgertum und Nationalstaat*, which enjoyed numerous editions following its first publication at the end of 1907, believed he could detect a nearly direct intellectual historical lineage from Hegel to Bismarck. Meinecke admittedly reveals himself to be influenced more by Ranke than by Hegel. The former acted as the intermediary between Hegel and Bismarck, whom Meinecke greatly admired. On the other hand, Meinecke is concerned that in the work of Hegel, 'purely empirical knowledge is once again obscured' and that 'this material world [is transformed] into a mere shadow play' as a result of 'his view of nation and state'. The constitutional legal scholar Hermann Heller drew upon Meinecke in his 1921 book *Hegel und der nationale Machtstaatsgedanke in Deutschland* (*Hegel and the Notion of the National Power State*

For reasons of space, in this chapter German originals are given for only the more substantial and significant quotations.

a. 'Angeschmiegt . . . das Hegelsche System . . . zur wissenschaftlichen Behausung des Geistes der preußischen Restauration [geworden].' R. Haym, *Hegel und seine Zeit* (Berlin: Rudolf Gaertner, 1857), 359

in Germany) when he pointedly characterised Hegel as the 'first and most thorough herald of the idea of the modern power state [*Machtstaat*]'. 'The national ideology of the power state', Heller explained in the introduction to his treatise, 'is in fact itself the offspring of Idealist philosophy, and its father is none other than Hegel'.[b],[2] Such a declarative statement does not, however, indicate any retreat from Hegel. On the contrary, Heller revealed his assured belief that several aspects of 'Hegel's power politics [*Machtpolitik*]' would need to become part of 'Germany's public opinion . . . if the German nation is to rescue itself from this painful present into a better future'.[3] In this respect, Heller's portrait of Hegel is ambivalent. On the one hand, Hegel appears as 'the most important pioneer in the German people's path from a nation of culture and civilisation [*Kulturnation*] to a nation as a power state [*Machtstaatsnation*]' and hence as a founder of that 'ideology of power' which had become a reality in the age of Bismarck and Treitschke. On the other hand, as Heller explained in the introduction to Hegel's early essay on *Die Verfassung Deutschlands* (The Constitution of Germany), the 1920 edition of which he edited, the study of Hegel made clear the 'painful truth' that 'all political existence . . . is not, admittedly, force [*Gewalt*], but, none the less, power [*Macht*]'.[c,4]

Other, more disillusioned notes were sounded by Franz Rosenzweig, a former student of Meinecke, in the light of the catastrophe of the First World War. Rosenzweig was almost finished with his large-scale study *Hegel und der Staat* at the war's outbreak, but could complete it only after the end of the war in 1919. And Rosenzweig did so reluctantly. This is because Hegel's concept of the state did not, as Rosenzweig wrote in the preface to his work, open up an outlook 'on a inwardly and outwardly ample German future'. Rosenzweig, who sought to follow that path leading from Hegel to Bismarck that Meinecke had mapped,[5] had been sobered: 'It ended differently. An expanse of rubble now marks that space where the *Reich* once stood. Just as I would not have written this book were I to take up the project today, it is equally impossible for me to revise it. The only option left to me is to publish it as it once was, as evidence, both in its origin and in its intention, of the *Geist* of the years before the war, not the 'spirit' of 1919.'[d]

b. 'Die nationale Machtstaatsideologie ist sogar selbst das Kind der idealistischen Philosophie und kein anderer als Hegel ihr Vater.' H. Heller, *Hegel und der nationale Machtstaatsgedanke in Deutschland: ein Beitrag zur politischen Geistesgeschichte* (1921), in *Orientierung und Entscheidung*, vol. i of *Gesammelte Schriften*, ed. C. Müller, 3 vols. (Tübingen: Mohr, 1992), 23

c. 'schmerzliche Wahrheit . . . alles politische Sein . . . zwar nicht Gewalt, aber Macht.' H. Heller, 'Einleitung in G. W. F. Hegel, *Die Verfassung Deutschlands*' (1920), in *Gesammelte Schriften*, ed. C. Müller, 3 vols. (Tübingen: Mohr, 1992), i, 15–20, at 19 and 20

d. 'Es ist anders gekommen. Ein Trümmerfeld bezeichnet den Ort, wo vormals das Reich stand. Dies Buch, das ich heute nicht mehr geschrieben hätte, konnte ich genausowenig umarbeiten. Es

The 'renewal of Hegelianism' as 'neo-Hegelianism', the advent of which was marked by Wilhelm Windelband's 1910 speech in the Heidelberg Academy, is also associated with the names of other leading German philosophers. For Windelband, the founder of the south-west German school of neo-Kantianism, the progress from neo-Kantianism to neo-Hegelianism repeated the passage from Kant to Hegel, a repetition born of 'functional necessity'.[6] Neo-Kantianism's lopsided epistemological orientation would be overcome via a 'return to Hegel'[7] – as would the danger of historicism and relativism.[8] Windelband sees a 'hunger for *Weltanschauung*' as the fundamental aspect of this return to Hegel in contemporary philosophy.[9] He hears the 'call for a philosophy of action and will', which is invoked so that 'the relationship between philosophy and the remaining disciplines may again be formed in that profound and fruitful way it existed in Hegel's time, to the detriment of none'.[10] Similarly, Heinrich Levy, in his 1927 book *Die Hegel-Renaissance in der deutschen Philosophie*, discerns the links between *Lebensphilosophie* and neo-Kantian schools in the progress 'towards a markedly dialectical metaphysics of Hegelian character'.[11] This need for synthesis and the 'trend towards totality' are characteristic of this Hegel renaissance (which, however, according to Levy, will have to methodologically overcome, via its turn to Kant, the 'aporias', 'errors' and 'absolutisms' of Hegelian synthesis).[12]

In 1930 Hermann Glockner similarly spoke of a 'Hegel atmosphere' in the 1920s that pervaded 'philosophical Germany',[13] and he explicitly described the label 'neo-Hegelianism' as a term used by the 'metaphysical movement of the most recent past' to refer to itself.[14] It was indeed Glockner who in 1935 characterised German philosophy and especially the philosophy of Hegel as the genuine form taken by a 'union of philosophy and life' in a programmatic essay on 'German Philosophy' published in the first edition of the *Zeitschrift für Deutsche Kulturphilosophie*, the journal he co-edited with the legal scholar Karl Larenz and which was heralded as the 'successor to *Logos*'. German philosophy encompasses 'the entire person', thus 'permeating life' and 'crowning' the '*völkisch* community'. In this sense 'German' becomes nothing less than a battle cry. After all, Glockner argued, 'the German philosopher' does not indulge in empty abstractions. Being rooted in his '*Volk*' and in his people's '*Geist*',[15] he consciously takes up the decided struggle 'against the un-German *Geist* . . . that has, over the course of the past decades, regrettably infiltrated our philosophy in numerous ways'.[16] The German philosopher

blieb nur übrig, es so herauszugeben wie es einmal war, in Ursprung also und Absicht ein Zeugnis des Geists der Vorkriegsjahre, nicht des "Geists" von 1919.' F. Rosenzweig, *Hegel und der Staat* (1920), ed. F. Lachmann (Berlin: Suhrkamp, 2010), 18

knows that within him resides the 'soul of a farmer' and a 'soldier's soul'.[17] And so 'just like a soldier', he cannot but follow the 'call of the *Führer*',[18] who as a 'German of genius' belongs, according to Glockner, in the company of Kant and Hegel.[19]

Notable lawyers and legal historians demonstrated at the time how a neo-Hegelian would follow the call of the *Führer* when it came to legal philosophy and constitutional law.[20] Some, such as Julius Binder and Walther Schönfeld, are hardly recognised today. Other names, such as Karl Larenz and Gerhard Dulckeit (both of them students of Julius Binder), are known to lawyers educated in legal philosophy and legal history, generally not as representatives of that 'metaphysical movement', but rather, in Larenz's case, as the author of the *Methodenlehre der Rechtswissenschaft*, which has enjoyed numerous editions and still ranks as an important work, as well as of a legal ethics,[21] and in Dulckeit's case, as the author of the equally relevant and frequently reissued *Römische Rechtsgeschichte* (*Roman Legal History*).[22] The reception of Hegel's legal philosophy in the movement that had given itself the name 'neo-Hegelian' is not only remarkable because of the involvement of well-known and influential lawyers who sought, as Hegelians, to comprehend their time in thought. The pretension involved in this was nothing less than the belief that they would reveal the 'true Hegel' and do so in a way that understood Hegel better than he had understood himself. However, this Hegel reception is noteworthy above all because it was in no way a strictly scholarly affair. Neo-Hegelianism was not at all, as Karl Larenz attempted to suggest later, a movement confined to the second decade of the last century, concerned only with 'surmounting neo-Kantian philosophy's dualistic approach with the help of the Hegelian dialectic'.[23] Certainly the specific recourse to Hegel's legal philosophy in the thematic, juridical neo-Hegelianism under discussion here belonged to the complex context of the intensive constitutional debates of the Weimar period – a period experienced as one of crisis and one in which there were very good reasons for raising questions about achieving national unity and political homogeneity. Neo-Hegelianism's profile must be examined against this backdrop. What was sought in Hegel? What was interesting about Hegel? The neo-Hegelians' 'Hegel' is a figure who was characterised by anti-liberalism and anti-individualism from the very beginning and who was straightforwardly adopted to provide ideological justification for the 'Third Reich' after 1933.[24] Accordingly, the neo-Hegelians regarded Hegel's legal philosophy as a topic that could not be limited to scholarly debates within the university. Instead, this philosophy was to serve as the reservoir from which answers were to be drawn to the 'fundamental questions of modern

jurisprudence' (as was programmatically declared in an edited volume published by Larenz in 1935).[25] Hegel was to be the philosophical forefather of the national socialist 'refiguration of law in German *Geist*', as Dulckeit phrased it in his 1936 book to which he gave the subtitle, 'investigations into Hegel's Philosophy of Right and its significance for our time'.[26]

This essay will present several aspects of this Hegel reception in more detail with reference primarily to the example of Karl Larenz, who had clearly the most significant profile as a representative of neo-Hegelianism among lawyers and legal scholars, and who, as has been pointed out above, remained an influential university teacher in postwar Germany. This is neither a meditation on a matter dead and buried nor a question of satisfying an antiquarian interest, as will become clear in the following presentation of several of the primary features of the philosophy of law shared by lawyers and legal philosophers who understood themselves as 'neo-Hegelians'. Instead, the following discussion will directly address the question of whether their reception of Hegel can be justified in juridical or political terms. Finally, one cannot properly understand the intellectual history of the Federal Republic after the Second World War without a knowledge of the history of this highly problematic reception of Hegel. A broad outline of prospects for contrary, productive exegeses of Hegel in jurisprudence and philosophy will be offered at the end of this essay.

1 The struggle for the 'real Hegel' as a struggle against liberalism

Karl Larenz's adaptation of Hegel received its decisive impetuses from his mentor in Göttingen, Julius Binder, and the lawyer Walther Schönfeld, who taught in Greifswald at the time Larenz was writing. With his turn away from 'dialectical jurisprudence', Schönfeld effectively provided Larenz's catchword, while Binder, whose work had drawn from neo-Kantianism, systematically developed the fundamentals of so-called 'objective idealism'.[27] According to Schönfeld, jurisprudence ought to take a 'dialectical' character as an 'organic theory' and a 'doctrine of reality' that preserves 'life and its mysterious connections' and, out of its commitment to the *Geist* of the German people, refines and develops that consciousness for the law that is rooted in the *Volk*. 'Dialectical' thus becomes nearly a synonym for 'German': German law, Schönfeld writes, is commensurate with 'German black-and-white' and 'German depth' and is, in this respect, 'thoroughly dialectical'. 'Dialectical jurisprudence . . . is German jurisprudence because to think in a

German way means to think dialectically'.[e] Defined in this way, the study of law is a 'jurisprudence of life'. It is set against that which Schönfeld considered a 'one-sided rational jurisprudence' that he, from his position as a legal historian, discerned in not only Roman law, which was supposedly overly self-alienated, but also in contemporary neo-Kantianism, particularly Hans Kelsen's *Reine Rechtslehre* (*The Pure Science of Law*).[28] Towards the end of the work mentioned above, Schönfeld alluded to Binder's legal philosophy.[29] Larenz also referred to Binder's work in his book *Das Problem der Rechtsgeltung* (*The Problem of Legal Validity*), published in 1929 when he was a lecturer at Göttingen. Invoking Binder's work as a foil to Schönfeld's, Larenz articulated a pronounced criticism of contemporary legal theories – here Larenz was thinking primarily of Hans Kelsen – and, at the same time, outlined the alternative of a legal doctrine based on Hegel, or more precisely, on Binder's appropriation of Hegel.

Larenz placed positive law in opposition to discredited positivism. He believed the former to be the realisation of a concept of law valid in all historical periods and, as such, the 'objectively moral *Geist*'. The 'is' of positive law is thus not abstractly opposed by any timeless 'ought'. While Kelsen kept 'is' and 'ought' separate in this way, Larenz found that they were much better thought of in terms of a dialectical 'sublation' (*Aufhebung*). The normativity that is embedded in the idea of law comes to fruition *in* positive law. The 'validity' of the law thus implies the positivisation of a norm, and the sense of obligation attached to this norm rests precisely upon the concept of law as a basis for establishing validity that is itself not bound by considerations of time. Larenz argued:

> Both natural law and positivism are thereby transcended, since natural law asserts the timelessness of law, positivism the simple temporality of law. This view's philosophical form is to be found in Hegel's doctrines of the objective *Geist* and the actuality of the idea.[f]

Because law is the actualisation within time of something beyond the boundaries of time, it is, as Larenz phrased it, 'the actuality of meaning

e. 'Dialektische Jurisprudenz . . . ist deutsche Jurisprudenz, weil deutsch denken dialektisch denken heißt.' W. Schönfeld, *Ueber den Begriff einer dialektischen Jurisprudenz* (Greifswald: Bamberg, 1929), 41–2

f. 'Naturrecht und Positivismus . . . sind damit beide überwunden, . . . , denn das Naturrecht behauptet die Zeitlosigkeit, der Positivismus die bloße Zeitlichkeit des Rechtes. Seine philosophische Ausgestaltung hat dieser Standpunkt in der Lehre *Hegels* vom objektiven Geist und von der Wirklichkeit der Idee gefunden.' K. Larenz, *Das Problem der Rechtsgeltung* (1929) (Darmstadt:Wissenschaftliche Buchgesellschaft, 1967), 26; cf. 22, 31, 36

[*Sinn-Wirklichkeit*]'.[30] An obligation or a sense of 'validity' that is not imposed from without, and not therefore open to contestation, is peculiar to the law by virtue of that idea of the law that is immanent in itself. It is because of this, according to Larenz, that the law cannot be open to contest, since the law, as a reflection of the idea of law, is like an organism, 'an entity, complete in and of itself, stable and teleological'. The law aims at 'entirety', provided that the idea of law being drawn upon is not a merely regulative idea as it is in Kantian thought, but instead a constitutive 'formal principle for the community'.[31] The law is that of a 'national character' (*Volksgeist*) as directed by the idea of law, the manifestation of a national community's ethical will. Ultimately it is history alone that in deciding on the value of a people decides on the value of its laws.[32]

Only a few years later, in a blatant accommodation of the National Socialist regime, Larenz would make explicit the *political* orientation of his thought that was implicit in this early work's outline of his adaptation of Hegel. Admittedly, the varieties of 'dialectical' jurisprudence devised by Schönfeld and Binder cannot be considered, upon closer examination, politically 'innocent' either. They are distinguished by a consciously German and conservative character, anti-liberal and anti-modern. There are even anti-Semitic tones. The invocation of a German character, German freedom, German thought, German profundity and even German law is developed in a thoroughly superficial way during the period of the Second World War in Schönfeld's work.[33] There, Hegel's legal philosophy is awarded the dubious distinction of being 'ancient' and 'Germanic' in one. The modernity of Hegel is suppressed. In those cases where it was acknowledged, for example when Schönfeld referred to Hegel's support for Jewish emancipation,[34] it was explained away as an instance of the philosopher having neglected to draw 'the necessary political conclusions' from his insight (at least as interpreted by Schönfeld), that the 'alliance between soul and *Geist*' is 'emblematised by the racial soul'. (As early as 1933, Schönfeld classified all things Jewish as 'un-German', thereby sanctioning the National Socialists' removal of Jews from their jobs in the civil service.[35]) In Schönfeld's own writing, in the second volume of the series *Reich und Recht in der deutschen Philosophie* (*Reich and Law in German Philosophy*), published in 1943 and edited by Larenz, the real adversary is identified as Marxism, which Schönfeld considered to be the political form taken by Judaism and to have perverted Hegelian philosophy, 'turning it on its very head in the most fiendish manner'. The arguments fought over Hegel were ultimately portrayed as an existentially important matter of life and death, a battle fought against 'Marxist devilry'. 'All of this', Schönfeld continued, 'sooner or later ends in Bolshevism, that

demonic revolt against the spirit of Western civilisation . . . , unleashing its unreason, which will see its work finally done when all that our fathers have spent centuries building has been levelled to the ground'.[g]

Anti-liberal and especially anti-individualistic resentment equally pervades Binder's legal philosophy after 1925. That battle against liberal and democratic political doctrine, with its appeals to Hegel among other things, was at its heart a struggle against individualism, which Binder identified as the 'root' of liberalism. Binder contrasted the 'deformed caricature of a state created by individualism', one essentially subjective and based on the idea of human rights, with the 'intrinsic meaning' of a state understood as a 'transpersonal community'.[36] The aim was to transcend the 'abstract' perspective of the Enlightenment, and there was a call for mediation between individual and community, one that would produce a 'synthesis between the individual and the whole'.[37] This would in turn leave behind the opposition of community and individual, indeed the latter would be 'embedded' in the former.[38] It is evident that the source behind this conception is an organic concept of the state, a combination of Hegel's doctrine of national *Geist* (*Volksgeist*) with the Historical School of law. Binder insists on seeing the community as analogous to a living natural organism, one in which an interdependency between the individual person and the whole community prevails.[39] Binder's firm conceptualisation of the posited 'transpersonal state' as a 'power state' alludes to Savigny, but also to Friedrich Julius Stahl. With reference to Hegel, Binder discards the notion of the sovereignty of a people and propagates instead the idea of the sovereignty of the state.[40] The concept of power is explicitly awarded an 'intrinsic value', thereby making it possible to conceive of the collectivity, whether labelled a community or a *Volk*, as a whole that completely absorbs the individual components. 'The power of the community under law over each individual person' knows 'no boundaries', Binder explained. This was 'power pure and simple', which is why the state may even demand that its citizens sacrifice their own lives for it. Such a sacrifice must not be understood as an 'obliteration, but instead as the most glorious preservation of personhood, the entire reason for the physical existence of the individual person'.[41] If the individual member of the community exists only in and through the community, and if 'the essential principle of law is the living will of the people',[42] then there can be no

g. 'Teufelei des Marxismus . . . das Ganze . . . ergibt früher oder später den Bolschewismus, diesen Aufstand des jüdischen Ungeistes gegen den Geist des Abendlandes . . . , um dafür seine Unvernunft zu setzen, die dann am Ziel sein wird, wenn sie alles dem Erdboden gleich gemacht hat, was unsere Väter in einer Arbeit von Jahrtausenden darauf gebaut haben.' W. Schönfeld, *Die Geschichte der Rechtswissenschaft im Spiegel der Metaphysik*, vol. ii of Karl Larenz (ed.), *Reich und Recht in der deutschen Philosophie* (Stuttgart: Kohlhammer, 1943), 510f., 513f., 519

more talk of an individual's legitimate claim to freedom. Basic and human rights are subjective, can 'no longer play any role' and indeed must simply be dismissed as 'nonsensical'.[43]

Binder's transpersonalism, which consciously understood itself to be proper conservatism, necessarily – and as a matter of principle – rejected the Weimar Republic. One must place Binder alongside other conservative intellectuals of the time who could be said to have written the obituary of the young German democracy even before it was finally laid to rest in 1933. This was made evidently clear in a small book written by Binder in 1929, on the occasion of the tenth anniversary of the establishment of the Weimar Republic, entitled *Führerauslese in der Demokratie* (*The Selection of Leaders in a Democracy*).[44] Moved by a 'yearning for the *Führer*' and giving voice to the 'cry for the *Führer*',[45] Binder questioned 'whether it is not *democracy* itself as a form of government, bestowed upon us by the events of 9 November and the Weimar National Assembly, that places fundamental obstacles in the way of the *Führer*'s emergence among us'.[h] Binder left no room for doubt that his question aimed at something 'beyond democracy' – it aimed at 'surmounting' democracy.[46] Democracy, which is liberalism's individualism put into practice, and the idea of the leadership of the *Führer*, understood as an instance of an organic notion of the state that brings the individual members and the entirety of the *Volk* into a 'dialectical' relationship, can only be comprehended as irreconcilable antitheses.[47]

According to Binder, the 'selection of a *Führer*' is not something that could be left to democratic elections or parliamentary decision-making. In the case of democracy, the selection of a leader is a matter of a political process, which proves that it is 'essentially incapable of identifying the *Führer*'.[48] Binder believed that the *Führer* would rise from the people's *Geist*, and thereby proceed from a 'higher power' than would ever be possible were the process left to democracy. Succinctly stated: 'The *Führer* cannot be created; the *Führer* creates himself', in fact, 'as he understands his people's history, he knows himself to be the *Führer* and embraces this'.[i,49] Just like Bismarck[50] in years past or Mussolini at that very hour . . .[51]

It is *history* that is ultimately the deciding factor. History is the instrument through which the people's *Geist* expresses itself and is the perspective of the *Weltgeist*, a perspective that transcends the capriciousness and limitations of

h. 'Ob nicht gerade *die Demokratie* als die Staatsform, die uns der 9. November und die Weimarer Nationalversammlung beschert haben, ein ganz wesentliches Hindernis sei, das sich dem Werden des Führers bei uns in den Weg stellt.' J. Binder, *Führerauslese in der Demokratie* (Langensalza: Beyer, 1929), 6

i. 'Der Führer kann nicht gemacht . . . werden; der Führer macht sich selbst . . . indem er die Geschichte seines Volkes begreift, indem er sich als Führer weiß und will.' *Ibid.*, 51

any particular generation. Binder concludes: 'It is from history that those *Führer* figures of whom we are in need will arise and meet us, and we may therefore remain confident that a great people will always find its *Führer*. Our appeals for a leader will remain futile so long as we continue to delude ourselves that a parliament can appoint a *Führer*. But when our *Volk* wakes from its current slumber, when it wakes to acknowledge itself for what it is, when it finds itself again, then it can be certain that it will also find the *Führer* whom it needs. We must hold on to the promise of that moment, however far in the future it may still lie.'[j]

Of course, it was not long before a particular person was hailed as the *Volk*'s 'born *Führer*', as Binder put it.[52] And it was not the monarch. Instead, the *Volk* made do with a failed art student from Austria.[53] The methodological and conceptual groundwork had certainly been well laid for the eventual interment of democracy. It was but a small leap from the polemics against Enlightenment individualism and individualist 'democratism' (as it was on occasion disdainfully referred to in Binder's work)[54] to the propagation of a '*völkisch* thought' that was based on the concepts of unity and purity of blood and race. Julius Binder saw himself contributing as a legal philosopher to the supposed 'renewal' of law precisely by working to quash that civil law that understood itself as bound to the Enlightenment and liberalism. He undertook this work in sustained opposition to those two ideals and acted in the name of the 'National Socialist *Weltanschauung*'. The task was understood instead to be 'to create something new from this new spirit, from the spirit of law embedded in the people's community [*Volksgemeinschaft*] itself, which is the spirit of the Third Reich'. If this spirit could be seized, then 'what will have been created will be worthy of our scholars' diligence, of the Academy for German Law and of the *Führer*', Binder wrote in a book published in 1938 'with a preface by Minister of the Reich Dr Frank'.[55]

Binder's student Karl Larenz, a significant representative of the so-called 'Kiel school',[56] followed the direction laid out by Binder most consistently. He, too, engaged in an attempt to find answers in Hegel to current questions, first and foremost under the banner of the struggle against liberalism. With relative ease he enlisted and adapted for the National Socialist *Weltanschauung* those fundamental features of a legal doctrine drawing on the work of

j. 'Nur in der Geschichte können uns die Führer erwachsen, deren wir bedürfen, und darin ist begründet, daß ein großes Volk immer einen Führer findet. Unser Schrei nach dem Führer hat so lange keinen Sinn, als wir uns einbilden, ein Parlament könne einen Führer ernennen. Aber wenn unser Volk aus seinem gegenwärtigen Traum wieder zum Bewußtsein, zum Bewußtsein seiner selbst erwacht, wenn es sich wiederfindet, dann kann es gewiß sein, auch den Führer zu finden, den es braucht. Und auf diesen Augenblick, er mag noch so fern liegen, wollen wir hoffen.' *Ibid.*, 66f.

Schönfeld and Binder that he had sketched in his early book *Das Problem der Rechtsgeltung*.

Larenz makes an emphatic contrast between the 'boundless freedom of liberalism' and the 'new, positive interpretation of freedom in the community'. He thus seeks to initiate a 'deeper reflection on methodology', to foster a new awareness of '*the meaning and function of the law* in all aspects of life'.[57] The notion of 'meaning' incorporates Larenz's earlier understanding of law as an 'actuality of meaning' (*Sinn-Wirklichkeit*) and reformulates it in a more specific manner to fit the anti-liberal intention of his project. Larenz strictly divided the notion of 'meaning' (*Sinn*) from any (normatively understood) 'purpose' (*Zweck*) of law, which he would suggest would stem, in criminal law, from an individualistic positivism. '"Meaning" is intrinsic to something, whereas purpose is something attributed to it. . . . Meaning reflects the thing itself in its comprehensive, even metaphysical context. Purpose, on the other hand, isolates the thing itself, wrenches it from its natural context to give it a new, not organically determined, but rather instrumental association.'[k] Accordingly, the 'meaning' of law is the 'character of the community', immanent in and constitutive of the circumstances of life. Law is essentially not law of or for individuals, but rather of and for the 'people's community', which, according to Larenz, 'being the original community and comprehensive unit of life, carries within itself the foundational laws of its own being, the expression of its *völkisch* character'. As such, all man-made, positive law is dependent on it.[58]

It is with precisely this accentuation that Larenz adopts Hegelian legal philosophy. Its contemporary relevance is supposedly to be seen in the concept of the community, obscured not only by Kant's abstract individualism but also by the structure of Hegel's philosophy of right. The neo-Hegelians were clear from the outset that following Hegel did not in any way mean repeating him 'dogmatically'. As Larenz wrote in his book *Die Rechts- und Staatsphilosophie des deutschen Idealismus und ihre Gegenwartsbedeutung* (*The Legal and Political Philosophy of German Idealism and its Contemporary Significance*), published in 1933, the intention was instead to take hold of the 'spirit' of the legal philosophy, the so-called 'superior conception of the essence and dignity of both the law and the state' in Hegel's work and render it productive for one's own time.[59] There is obviously another aspect to this

k. 'Der Sinn ‚wohnt' einer Sache ‚bei'; der Zweck wird ihr beigelegt . . . Der Sinn stellt eine Sache in übergreifende, letzthin metaphysische Zusammenhänge; der Zweck isoliert sie, reißt sie aus ihren natürlichen Zusammenhängen heraus, um sie freilich einem neuen, aber nicht organischen, sondern eben mittelhaften Zusammenhang einzuordnen.' K. Larenz, 'Vom Wesen der Strafe', *Zeitschrift für Deutsche Kulturphilosophie* 2 (1936), 26–50, at 26

hostile rejection of liberalism and positivism that has to be called totally un-Hegelian. Hegel's state is duty-bound to effect, within the framework of its institutions, the realisation of the subject's legitimate claim to freedom – 'The state is the existence, the power of right', as Hegel wrote in the *Jenaer Systementwürfe 1805/06* (*Jena Lectures on the Philosophy of Spirit*).[l,60] But Larenz shifts all the weight of his argument on to the people's community (*Volksgemeinschaft*), that 'most all-encompassing essence of life in all its totality' that bestows the 'final instance of meaning' or 'ultimate determinacy' on all of the 'orders' that are arrayed below it.[61] Carl Schmitt's announcement that Hegel's passing coincided with Hitler's rise to power in 1933 leaves little room for disagreement: 'One could thus declare that on this day [30 January 1933], "Hegel has died".'[m,62]

2 The 'Concrete Idea of Order' in Nazi ideology

The concept of a unified people's community (*Volksgemeinschaft*), ostensibly derived from the 'real Hegel', acted for Larenz, too, as a bridge to the legitimation, or more precisely, the ideological sanctioning of National Socialism. 'Within the framework of National Socialist law',[63] the people's community becomes *the* deciding factor against which the subject's legal status and capacity are measured. The individual is no more than a 'member of the *Volk*', to whom he or she '*is responsible*' – a term that one repeatedly encounters in Larenz as a foundational 'ethical' category.[64] He continues: 'Now that the concept of community law [*Gemeinschaftsrecht*] has again assumed prominence as the principle of law among our people in our time, this concept must shape how we understand *all* of our contemporary legal institutions. "Abstract law" and "morality" as well as "civil society", as understood by Hegel, are none of them any longer separate concepts within the all-embracing totality of our law. From the point of view of the history of philosophy they are merely the antecedents of our law, principles of other legal forms that have been superseded and sublated in the concept of community law.'[n] The law that recognised free subjectivity is transformed into

l. 'Der Staat ist das Dasein, die Macht des Rechts.' G. W. F. Hegel, *Jenaer Systementwürfe* iii: *Naturphilosophie und Philosophie des Geistes*, ed. R.-P. Horstmann (Hamburg: Meiner, 1987), 225

m. 'An diesem Tage ist demnach, so kann man sagen, "Hegel gestorben".' C. Schmitt, *Staat, Bewegung, Volk* (Hamburg: Hanseatische Verlags-Anstalt, 1933), 31f.

n. 'Nachdem die Idee des Gemeinschaftsrechts als das Rechtsprinzip unseres Volkes in unseren Tagen erneut in die Wirklichkeit getreten ist, haben wir *alle* rechtlichen Institutionen unserer Zeit aus dieser Idee zu verstehen. Das 'abstrakte Recht', wie übrigens auch die 'Moralität' und die 'bürgerliche Gesellschaft' im Sinne Hegels sind damit keine unterschiedenen Bereiche in der Gesamtwirklichkeit unseres Rechts mehr, sondern liegen ihm als in der Idee des

'*völkisch* law', which, Larenz insinuates, can be understood and affirmed by appeal to Hegel's concept of the state, now given real substance by the spirit of the nation (*Volksgeist*). Here, then, we have yet another theoretical position that the 'concrete idea of order' ('*konkretes Ordnungsdenken*') favoured by Larenz (and borrowed from Carl Schmitt) transforms directly into a facet of Nazi ideology.[65]

Larenz's adaptation of this concept of the national spirit (*Volksgeist*), however, actually had little to do with Hegel.[66] Herder had adopted the notion of the people's spirit from Montesquieu and introduced it into the German debate; for him as well as for Hegel it was the concept of a quintessence of human culture (as Franz Rosenzweig still well knew!),[67] but in the hands of Larenz and the neo-Hegelians it was transformed into an ideology permeated by racist thought, a requirement, so to speak, to include exclusion (which meant concretely: of the Jews) in its own definition. Instead, as Larenz explained in 1935 in his *Rechts- und Staatsphilosophie der Gegenwart*, the national spirit, as 'creative origin and substance', contained within it an obligation to align the law with the *völkisch* community. Rooted as they were in the notion of the 'racial', spirit and blood were to merge into a single entity.[68] *Volk* and race (as determined by blood) come in fact to coincide as the bearers of the 'objective spirit'.[69] With that said, the 'idea of concrete order', which was professed with a good deal of force, and the 'concrete' concepts of law,[70] presented as the 'consistent, methodical expression of the *völkisch* understanding of law', prove themselves to be forms of Nazi ideology trussed up in scholarly embellishment. The purported 'concreteness' is nothing more than a phantom, the ostensible precision of the concepts of law is sheer imprecision, inviting totalitarian definition in accordance with the *völkisch* notion of law.[71]

Karl Larenz presented his understanding of the 'German legal renaissance' shortly after the National Socialist 'revolution', and so offered it its legal justification. This 'real revolution', embodying the 'communal will of the people' and initiated by the 'spirited strength of the people' itself, did not, it was claimed, mark any break with the law. It represented instead the 'erection of a new order, the obligations of which or even the spiritual validity of which, in so far as the older structures and norms of law continue to exist, rests now on the new will of the community alone'.[o] Larenz justified the

Gemeinschaftsrechts überwundene und aufgehobene Prinzipien anderer Rechtsgestaltungen geschichtsphilosophisch voraus.' K. Larenz, 'Die Aufgabe der Rechtsphilosophie', in *Zeitschrift für Deutsche Kulturphilosophie* 4 (1938), 209–43, at 235

o. 'Aufrichtung einer neuen Ordnung, deren Verbindlichkeit oder ideelle Geltung auch, soweit inhaltlich noch die alten Rechtsnormen bestehen bleiben – nun allein auf dem neuen

Führer state with the National Socialist revolution. The unity of the wills of the people and of the state was embodied by the *Führer* – thus 'none other' could 'take the final decision on whether a certain regulation ought to be valid'. The *Führer* is himself the 'power of his leadership' and is, as Larenz wrote, borrowing a phrase again from Carl Schmitt, '*the constitution's guardian*'[p] – albeit not a written constitution, but instead, as Larenz further explained, 'his people's unwritten, concrete notion of the law'.[72] This notion was, in his description, 'concrete' as a spiritual force that was based upon a 'people's *völkisch* identity and connection by blood', the 'inner spirit' and 'soul' of a people. While this student of Julius Binder had once written (in *Das Problem der Rechtsgeltung*) that the concept of law was immanent in positive law, he now found its basis in the acts taken by the *Volk*. And it was supposedly the distinction of National Socialism, its 'world-historical significance', that it 'realised the specifically *German concept of law*'. This 'specifically German' concept of law, that is one which its *völkisch* character, its basis in blood and race and in the 'unified and shared will' of the people, made specifically German, heralded a new world-historical epoch which would undo the mischief (*Ungeist*) of Western Enlightenment philosophy[73] and the French Revolution.[74] This was accompanied by a fundamental paradigm shift with regard to basic concepts of law and the organisation of the legal order: 'The German concept of law places the community [*Gemeinschaft*] in that space formerly occupied by the simple co-existence of individuals and replaces abstract equality with the incorporation of the single individual as one part among many of the community.' The space occupied by freedom and equality was filled by 'the *idea of the community and of responsibility*'.[q] This sense of a responsibility firmly embedded in and beholden to the *community* directly influenced decision-making with the fatal consequence of a relativisation of 'private' (that is, civil) law as opposed to public law, and a disempowerment of subjective right in the face of (community) obligations.[75] In his contribution to the 1930 volume in honour of Binder Larenz had written that the community (understood in the sense of Hegel's concept of the state) did not entail any 'sacrifice of the moral value of the person'.[76] Towards the beginning of his arguments in his work of 1934 cited above, too, he noted that the

Gemeinwillen beruht.' K. Larenz, *Deutsche Rechtserneuerung und Rechtsphilosophie* (Tübingen: Mohr, 1934), 30

p. C. Schmitt, *Der Hüter der Verfassung* (1931) (Berlin: Duncker & Humblot, 1985)

q. 'Die deutsche Rechtsidee setzt . . . an die Stelle der bloßen Koexistenz der Individuen die *Gemeinschaft* und an die Stelle der abstrakten Gleichheit die *Gliedhaftigkeit des Einzelnen* in der Gemeinschaft . . . die *Idee der Gemeinschaft und der Verantwortung*.' Larenz, *Deutsche Rechtserneuerung und Rechtsphilosophie*, 39; cf. 8f.

relativisation of private law (which, after all, he claimed, only reformulated an insight from Hegel's doctrine of the state) did not imply any 'elimination of the single person'.[77] Despite this, he did in the end sanction precisely this sacrifice of the individual person for the sake of the *Führer*-principle that he now proclaimed.[78]

The manifesto edited by Larenz and published by the law faculty in Kiel in 1935, *Grundfragen der neuen Rechtswissenschaft* (*Basic Questions in Recent Legal Theory*), sought to present the 'transformation of foundational concepts in law' that he had effected, following Schönfeld and Binder. He was concerned there to give expression to the conviction 'that German jurisprudence stands at a watershed in its development, a moment when it can be rebuilt from the ground up, but that this jurisprudence is also called upon to forge ahead in the struggle of our time to found a legal doctrine appropriate to our German reality, one that is simultaneously "concrete" and "holistic"'.[r,79] Larenz's own contribution to the volume documents his continuing struggle for a 'new' legal system in the name of a 'concrete' concept of law. In this, Larenz goes a step further than he had been willing to go in his work of 1934. While that work had sought to demonstrate the necessary *relativisation* of civil law, now the so-called 'transformation of foundational concepts in law' aimed more directly at the *denunciation* of civil law as subjective law. 'Concretely' understood, law ought to be seen as community law or, as Larenz himself writes, as a 'way of life for the people's community', as a law that issues forth directly from the people's spirit.[80]

This definition has many implications. To begin with, there is the claim to have found a route away from 'abstract' normativity and positivism towards a 'concrete' conception of law. This is derived from the people's community and a law that exists only in and through that community's own existence. Legal concepts are not simply descriptions of reality, but instead, as Larenz emphatically writes (and in agreement with Carl Schmitt), means through which the reality of life is actively shaped. The 'origin' of law, the *völkisch* community, is understood simultaneously as the 'inner meaning' and the ideal goal of law. The community and law thus find themselves 'in a dialectical and concrete sense to be one'. That is to say that the law bears within itself the sense of living together 'in a correct order and true community' as the 'final goal of justice' – indeed, it *makes it happen*.[81]

r. 'daß die deutsche Rechtswissenschaft an einem Wendepunkte ihrer Entwicklung steht, daß sie von Grund auf neu zu beginnen hat, daß sie aber auch dazu berufen ist, voranzugehen im Ringen unserer Zeit um das artgemäße deutsche Rechtsdenken, das ‚konkret' und ‚ganzheitlich' zugleich ist.' K. Larenz (ed.), *Grundfragen der neuen Rechtswissenschaft* (Berlin: Junker und Dünnhaupt, 1935) (Vorwort)

The community's nature as 'concrete' and 'true' is to be evidenced in its assignation of each member of the *Volk* (*Volksgenosse*) to his or her place. One was to be a member of the *Volk*, not an 'abstract' individual before the law – this was what the 'new system' was intended to convey.[82] This meant, on the other hand, that the legal capacity of each person – every single person – was subject to contest. This is because, as Larenz proclaimed, taking the language almost verbatim from a Nazi manifesto dating from 1920, 'one is a member of the community under the law [*Rechtsgenosse*] only if one is a member of the *Volk*; a member of the *Volk* is one who has German blood'. And Larenz immediately indicates how this principle could be 'concretely' implemented: 'This sentence could take its place at the very start of our legal order by replacing the statement on the legal capacity of "each person" found in § 1 of the German Code of Civil Law.'[s,83] It was obvious in 1935 to anyone who cared to see that this opened the door to Nazi racial ideology and to what Larenz had no qualms in expressly stating in his 1938 book *Über Gegenstand und Methode des völkischen Rechtsdenkens* (*On the Material and Method of Racial Jurisprudence*): Jews are not of German blood, they are therefore not members of the *Volk* and as a further consequence are not members of the community under law either. As such, Larenz wrote in his manifesto from 1935, they were 'entitled to a certain extent' to 'a limited legal capacity', one that could under no condition, though, include a position as a judge or a member of a jury.[84] It becomes clear that the spirit to which homage here and elsewhere was being paid was the spirit of a racist and *völkisch* ideology which was being given ultimate legal authority.[85]

Even the legal status of members of the *Volk*, however, was subject to serious reinterpretation under the 'new system'. The determination of one's status was completely dependent upon the so-called 'place' (*Gliedstellung*) of the member of this community under the law in the people's community as a whole as well as upon one's position in subordinate forms of social organisation (such as the family or class). These can vary, Larenz explains, so 'standing' is to be understood as 'tiered' and thus 'concrete'. It is 'concrete', though, in such a manner that it is concerned first and foremost with obligations and then only secondarily with 'rights, too, perhaps'.[86] 'In place of the capacity granted to *each individual* as a "person", which indicates that he is the possible holder of every conceivable right', now '*the concrete legal capacity of the member*

s. '*Rechtsgenosse ist nur, wer Volksgenosse ist*; Volksgenosse ist, wer deutschen Blutes ist . . . Dieser Satz könnte an Stelle des die Rechtsfähigkeit 'jedes Menschen' aussprechenden § 1 BGB. an die Spitze unserer Rechtsordnung gestellt werden.' K. Larenz, 'Rechtsperson und subjektives Recht: Zur Wandlung der Rechtsgrundbegriffe', in K. Larenz (ed.), *Grundfragen der neuen Rechtswissenschaft* (Berlin: Junker und Dünnhaupt, 1935), 225–60, at 241

of the Volk' must be affirmed, 'for whom the particular extent of the law is relative to his particular status and role'.[t,87] 'Legal capacity' is therefore to be understood as the 'capacity to enjoy certain legal statuses'. A 'legal status' means first and foremost, however, 'obligations in a community' and only relative to this 'the possession of rights and entitlements'. In this way legal status is 'a means of concretising objective law'.[88] In short: persons do not 'possess' any rights, but instead 'exist' in relationship to hierarchically varying legal statuses. Thus the 'natural order of life in the community' becomes decisive in matters having to do with the individual, who may very well have to defer to 'higher-ranking interests': the community becomes potentially all-embracing in its power.[89]

Karl Larenz adhered to his neo-Hegelian legal doctrine, which was effectively put into practice after 1933, right until the end of the 'Third Reich'. In his 1943 study, *Sittlichkeit und Recht* (*Ethical Life and Law*), published as the first volume of the series *Reich und Recht in der deutschen Philosophie*, he continued to affirm that the individual, as a member of the *Volk*, was 'subject to the values defined by the *Volk*' and must do whatever was demanded by the *Führer*, the law and custom.[90] And finally it is precisely this 'ultimate synthesis' of the individual and the community that is said to realise the 'foundational insight of the ethics espoused in German Idealism'.[91] This is not the place to discuss how far key concepts such as the 'doctrine of concrete order' and the theory of the 'concrete-universal' continue to figure even in Larenz's writings after the war and represent a subliminal continuity in his work.[92] The question, however, does need to be asked: Is there a direct line to be drawn from Hegel to Hitler? Is Hegel the antecedent of the authoritarian-totalitarian state and the prophet of National Socialist legal thought?

3 Epilogue: a plea for another Hegel

The case made by Karl Popper and others against Hegel after the end of the Second World War, in which he was clearly and unequivocally identified as a 'false prophet' and an enemy of the 'open society', is well known. Hegel's 'hysterical historicism', Popper writes, is 'the fertilizer to which modern totalitarianism owes its rapid growth'. Thus the new generation 'should be helped to free themselves from this intellectual fraud'.[93] Other writers emulating Popper, such as Ernst Topitsch, found the origins of National Socialist

t. 'An die Stelle der *jedem Menschen* zukommenden Fähigkeit, 'Person', und d.h. möglicher Träger jedes denkbaren Rechts zu sein . . . *die konkrete Rechtsfähigkeit des Volksgenossen* . . . deren besonderer Umfang sich jeweils nach seiner Fähigkeit zu bestimmten Gliedstellungen richtet.' *Ibid.*, 243

ideology and the totalitarian state in Hegel's philosophy. The title of Topitsch's work, which appeared in 1967, was both significant and a purposeful reminder of Popper: *Die Sozialphilosophie Hegels als Heilslehre und Herrschaftsideologie* (*Hegel's Social Philosophy as a Doctrine of Salvation and an Ideology of Power*).[94] Given the idea of 'Hegel' promulgated by the neo-Hegelians, these types of judgement are not at all surprising. Upon closer examination, however, they reveal themselves to be untenable. Herbert Marcuse had good reason to believe it necessary to free the basic concepts of Hegelian thought from the grasp of the National Socialists, which he did in his portrayal of Hegel that was first published in 1941, *Reason and Revolution*. In this work he was concerned to rediscover Hegel's philosophy as the *opposite* of a 'fascist Hegelianism'.[95] What Marcuse wrote concerning Gentile's neo-Idealism (which was the object of his criticism) can be said with equal justification about the neo-Hegelians in the 'Third Reich': 'The fact of brute power becomes the real god of the time, and as that power enhances itself the surrender of thought to the fact shows forth the more.'[u,96] Hegel finds a place in the Frankfurt school, after all, not least because of this objection to an abdication of thought in favour of an undifferentiated 'identity'.

Notable authors working in hermeneutics and professing an affiliation with Hegel have drawn attention to a differently nuanced 'right of freedom'.[97] They share the concern to demonstrate Hegel to be a thinker of freedom, or more precisely: a thinker not of an abstract freedom, but rather of a freedom mediated through institutions.

Ernst-Wolfgang Böckenförde, a former member of Joachim Ritter's Collegium Philosophicum at the University of Münster[98] and later one of the most notable judges to sit in the German Federal Constitutional Court, developed this theme in important essays on the relationship between law, freedom and the state and especially on the relationship between the state and religion.[99] Böckenförde stated his core belief in a phrase so precisely formulated that it captures what is often at the heart of discussions of fundamental questions of constitutional law and is indeed known beyond the legal profession as the 'Böckenförde dictum': '*The liberal, secular state is based upon presuppositions that it cannot itself guarantee.*'[v] Böckenförde argues that the state is dependent upon resources antecedent to the state, precisely *for*

u. 'Die Tatsache der brutalen Macht wird der wahre Gott der Zeit, und in dem Maße, in dem diese Macht sich steigert, offenbart sich die Kapitulation des Denkens vor den Tatsachen'

v. '*Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann.*' E.-W. Böckenförde, *Recht, Staat, Freiheit: Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte* (Frankfurt am Main: Suhrkamp, 1991), 112 (emphasis in original)

the sake of its liberal character – morality, religion, simply put: ethos. Without these, the state would not long survive as the 'order of freedom'.[100] With explicit reference to Hegel, the question is thus raised 'whether the secularised state, too, must rely upon those inner impulses and bonding forces which its citizens owe to their religious faith'.[w] But however much the state, as the order of freedom, might rely upon the ethos and the resources its citizens bring to it, those citizens are, in their actions, themselves dependent upon the support of institutions. We must therefore seek to understand what Hegel called objective mind (*objektiver Geist*): reason as it is embodied in institutions. Without this, the subjective freedom of the individual would cease to exist. Institutions are not organisations for exercising repressive authority. They are instead the necessary requirement for the actuality of freedom.

Here one could paraphrase the seminal insight of Rüdiger Bubner, one of Hans-Georg Gadamer's most influential students, who adopted Hegel's concept of the ethical state and used it to oppose contemporary proponents of contractualism such as Rawls and Habermas. If what Hegel called the 'freedom of subjectivity' is the ineluctable principle of the modern world, then it must also necessarily come into its own in the state itself.[101] Bubner further explains that subjects will then be able to recognise themselves in those institutions of 'ethical life' (*Sittlichkeit*) that exist precisely so that the subjects may enjoy their legitimate claims to freedom. The institutions he refers to are evidently those that 'survive the critical examination of free thought' and possess 'no actuality that is designed as an end in and of itself' that would be contrary or in opposition to the subjects' self-conception.[102] 'The recognition of subjectivity in institutions', Bubner explains, 'has nothing to do with a form of reciprocal recognition of plural subjects in one another. It is a matter not of my recognising myself in you, but of the subject recognising himself in the institution. Identity . . . is the result of existing relationships to the world embedded in the structures of institutions within a state'.[x] In this manner, the ethical state's institutions are recognised by Bubner to be forms of freedom and the possibility of freedom, or in Hegel's terminology: forms of the objective spirit. 'Law is in its core, according to Hegel's understanding, institutionally guaranteed freedom and nothing

w. 'ob nicht auch der säkularisierte Staat letztlich aus jenen inneren Antrieben und Bindungskräften leben muß, die der religiöse Glaube seiner Bürger vermittelt.' *Ibid.*

x. 'Wiedererkennen der Subjektivität in Institutionen . . . heißt nicht eine Weise reziproker Anerkennung pluraler Subjekte im Miteinander. Wiedererkannt wird nicht das Ich im Du, sondern das Subjekt in der Institution. Identität . . . verdankt sich existierenden Weltverhältnissen im staatlichen Institutionengefüge.' R. Bubner, *Welche Rationalität bekommt der Gesellschaft? Vier Kapitel aus dem Naturrecht* (Frankfurt am Main: Suhrkamp, 1996), 164

else'. And insofar as the individual person is free 'solely as a citizen within the framework of existing law' and only 'in this capacity . . . is (able to be) more than simply an instance of entitlement and/or a partner in the public distribution of available goods',[y] then one may agree with Bubner that Hegel's conception of the state remains highly relevant to today's debates on the nature and future of political life.

It is clear that these liberal post-war thinkers require a reading of Hegel very different from that of the neo-Hegelians. As they demonstrate, Hegel's legal and political thought can and must be comprehended as a philosophy of freedom and be reformulated as such in any contemporary interpretation of him.[103] After all, if there is anything for which the philosophy of German Idealism stands, then it is the idea of freedom.

Translated by Ch. Geissler

Notes

1. G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen Wood (Cambridge: Cambridge University Press, 1991) (hereafter *PR*), 21.
2. H. Heller, *Hegel und der nationale Machtstaatsgedanke in Deutschland*: *ein Beitrag zur politischen Geistesgeschichte* (1921), in *Orientierung und Entscheidung*, vol. I of *Gesammelte Schriften*, ed. C. Müller, 3 vols. (Tübingen: Mohr, 1992), 25.
3. *Ibid.*, 25.
4. In his essay entitled 'Hegel und die deutsche Politik', published a few years later (1924), the ambivalence to be found in the figure of Hegel is portrayed in a slightly different way by Heller, writing as a socialist. In that work, the name Hegel is said to stand, on the one hand, for a national metaphysics of power, for that 'Germany of blood and iron' made famous by Bismarck. At the same time, 'the intellectual scope of German socialism [is said to be] the true daughter of Hegelian Idealism'. 'The idea of the German nation-state and German socialism', Heller wrote, 'both trace their roots back to Hegel. They could erect no worthier monument to their forefather than to find a shared path together towards the realization of that idea, developed further by Marx and Lassalle, of a unified German people organized according to a new national power.' See H. Heller, 'Hegel und die deutsche Politik' (1924), in *Gesammelte Schriften*, I, 243–55, at 244, 247 and 255. For Heller's reception of Hegel and for the posthumously published, incomplete *Staatslehre* (1934), see M. Hartwig, 'Die Krise der deutschen Staatslehre und die Rückbesinnung auf Hegel in der Weimarer Zeit', in C. Jermann (ed.), *Anspruch und Leistung von Hegels Rechtsphilosophie* (Stuttgart-Bad Cannstatt: Frommann-Holzboog,

y. 'Recht ist im Kern, gemäß Hegels Auffassung, institutionell garantierte Freiheit und sonst nichts . . . [der Mensch] nur als Bürger im Rahmen des existierenden Rechts . . . mehr sein [darf] als bloße Anspruchsinstanz bzw. Verteilungspartner bei der öffentlichen Distribution der vorhandenen Güter.' R. Bubner, *Polis und Staat: Grundlinien der politischen Philosophie* (Frankfurt am Main: Suhrkamp, 2002), 170, 173

1987), 239–75, esp. 265ff. For more on Heller's place in the constitutional and political debates in the Weimar Republic, see also C. Müller and I. Staff (eds.), *Staatslehre in der Weimarer Republik: Hermann Heller zu ehren* (Frankfurt am Main: Suhrkamp, 1985).

5. F. Rosenzweig, *Hegel und der Staat* (1920), ed. F. Lachmann (Berlin: Suhrkamp, 2010), 527.
6. W. Windelband, 'Die Erneuerung des Hegelianismus' (keynote address at the meeting of the Akademie of 25 April 1910), *Sitzungsberichte der Heidelberger Akademie der Wissenschaften* (Heidelberg: Winter, 1910), lecture no. 10, 3–15, at 8.
7. *Ibid.*, 7.
8. *Ibid.*, 11f.
9. *Ibid.*, 7.
10. *Ibid.*, 15.
11. H. Levy, *Die Hegel-Renaissance in der deutschen Philosophie, mit besonderer Berücksichtigung des Neukantianismus* (Berlin: Pan-Verlag, 1927), 90.
12. *Ibid.*, 93.
13. H. Glockner, 'Stand und Auffassung der Hegelschen Philosophie in Deutschland, hundert Jahre nach seinem Tode' (1930), in *Beiträge zum Verständnis und zur Kritik Hegels sowie zur Umgestaltung seiner Geisteswelt*, Hegel-Studien, suppl. 2 (Bonn: Bouvier, 1965), 272–84, at 277.
14. H. Glockner, 'Hegelrenaissance und Neuhegelianismus: eine Säkularbetrachtung' (1931), in *Beiträge zum Verständnis und zur Kritik Hegels sowie zur Umgestaltung seiner Geisteswelt*, 285–311, at 289. A short time later, in an essay that appeared in 1933 in the series *Handbuch der Philosophie*, edited by A. Baeumler and M. Schröter, Karl Larenz would speak of the 'neo-Hegelianism of our time' as if it were self-evident. See K. Larenz, *Die Rechts- und Staatsphilosophie des deutschen Idealismus und ihre Gegenwartsbedeutung*, Handbuch der Philosophie 4, suppl. D (Munich and Berlin: Oldenbourg, 1933), 186.
15. Glockner, 'Deutsche Philosophie', *Zeitschrift für Deutsche Kulturphilosophie* 1 (1935), 3–39, at 6f.
16. *Ibid.*, 38. The reference is particularly to neo-Kantianism (represented primarily by Jewish philosophers).
17. *Ibid.*, 15ff., 39.
18. *Ibid.*, 17.
19. *Ibid.*, 14. In the preface to their journal, the name of which was consciously changed from 'Internationale Zeitschrift für Philosophie der Kultur' to 'Zeitschrift für Deutsche Kulturphilosophie', Glockner and Larenz make a prominently situated reference to the National Socialist 'movement', to which the journal was to be linked. They write: 'This aims to give voice to the cultural-philosophical will of *our time* and thereby serve that great movement that spreads through our *Volk* and which we most firmly believe to be a spiritual movement. . . . From these new, contemporary relationships to community and to the eternal power of the *Volk*, a new understanding of culture and history as well as of law, the state and the economy will also arise among us.' Glockner and Larenz furthermore articulate their strong belief 'that a new form of German philosophy will proceed from the new reality of German life.' *Ibid.*, 1f.
20. 'Neo-Hegelianism' had been a topic in the field of jurisprudence since around 1900 with Fritz Berolzheimer and Josef Kohler. Wolfgang Schild argues that for Josef Kohler,

Hegel's philosophy remained 'a misunderstood foreign body that he would consume in isolated, undigested bits and then apply'. W. Schild, 'Die Ambivalenz einer Neo-Philosophie: zu Josef Kohlers Neuhegelianismus', in G. Sprenger (ed.), *Deutsche Rechts- und Sozialphilosophie um 1900*, Archiv für Rechts- und Sozialphilosophie Beiheft 43 (Stuttgart: Steiner, 1991), 46–65, at 64.

21. K. Larenz, *Methodenlehre der Rechtswissenschaft* (Berlin: Springer, 1991); *Richtiges Recht: Grundzüge einer Rechtsethik* (Munich: Beck, 1979).
22. G. Dulckeit, *Römische Rechtsgeschichte: ein Studienbuch* (Munich: Beck, 1995). Though it has not received much attention, Hermann Heller's posthumously published *Staatslehre* (1934) is a noteworthy example of a Hegel reception that diverges from that of the neo-Hegelianism under discussion here. Cf. M. Hartwig, 'Die Krise der deutschen Staatslehre und die Rückbesinnung auf Hegel in der Weimarer Zeit', in C. Jermann (ed.), *Anspruch und Leistung von Hegels Rechtsphilosophie* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1987), 239–75, at 265ff.
23. As Larenz wrote in the epilogue of the 1967 special edition of his *Das Problem der Rechtsgeltung*, originally published in 1929, which was reissued by the Wissenschaftliche Buchgesellschaft (Darmstadt, 1967, p. 44). The National Socialist infiltration of neo-Hegelianism was covered over in the historical-critical part of Larenz's *Methodenlehre*, too, to say nothing of the role Larenz himself played in this, which was by no means insignificant.
24. A detailed examination of, and reflection on, the relationships between the ideologisation of jurisprudence during the 'Third Reich' and the debates during the Weimar Republic can be found in O. Lepsius, *Die gegensatzaufhebende Begriffsbildung: Methodenentwicklungen in der Weimarer Republik und ihr Verhältnis zur Ideologisierung der Rechtswissenschaft unter dem Nationalsozialismus* (Munich: C. H. Beck, 1994). There is a substantial amount of available literature on the topic of 'law and National Socialism'. See especially: H. Weinkauff, *Die deutsche Justiz und der Nationalsozialismus: ein Überblick*, Quellen und Darstellungen zur Zeitgeschichte 16/1 (Stuttgart: DVA, 1968); H. Rottleuthner (ed.), *Recht, Rechtsphilosophie und Nationalsozialismus*, Archiv für Rechts- und Sozialphilosophie, suppl. 18 (Wiesbaden: Franz Steiner, 1983); E.-W. Böckenförde (ed.), *Staatsrecht und Staatsrechtslehre im Dritten Reich* (Heidelberg: Müller, 1985); B. Rüthers, *Entartetes Recht: Rechtslehren und Kronjuristen im Dritten Reich* (Munich: DTV, 1988); R. Dreier and W. Sellert (ed.), *Recht und Justiz im 'Dritten Reich'* (Frankfurt am Main: Suhrkamp, 1989); M. Stolleis, *Recht im Unrecht: Studien zur Rechtsgeschichte des Nationalsozialismus* (Frankfurt am Main: Suhrkamp, 1994); J. Rückert and D. Willoweit (ed.), *Die deutsche Rechtsgeschichte in der NS-Zeit: ihre Vorgeschichte und ihre Nachwirkungen*, Beiträge zur Rechtsgeschichte des 20. Jahrhunderts 12 (Tübingen: Mohr Siebeck, 1995).
25. K. Larenz (ed.), *Grundfragen der neuen Rechtswissenschaft* (Berlin: Junker und Dünnhaupt, 1935).
26. G. Dulckeit, *Rechtsbegriff und Rechtsgestalt: Untersuchungen zu Hegels Philosophie des Rechts und ihrer Gegenwartsbedeutung* (Berlin: Junker und Dünnhaupt, 1936), 113.
27. Larenz explicitly identified the 'objective idealism' represented by Schönfeld and Binder as the orientation point of his own work, *Rechts- und Staatsphilosophie der Gegenwart*, which appeared in 1931. See K. Larenz, *Rechts- und Staatsphilosophie der Gegenwart* (Berlin: Junker und Dünnhaupt, 1931), 108f.

28. W. Schönfeld, *Ueber den Begriff einer dialektischen Jurisprudenz* (Greifswald: Bamberg, 1929), 35, 30, 41–2, 44, 46.
29. *Ibid.*, 47. J. Binder, *Philosophie des Rechts* (Berlin: Stilke, 1925). For more on Binder and his work, see R. Dreier, 'Julius Binder (1870–1939): ein Rechtsphilosoph zwischen Kaiserreich und Nationalsozialismus', in R. Dreier, *Recht–Staat–Vernunft: Studien zur Rechtstheorie* (Frankfurt am Main: Suhrkamp, 1991), 142–67, and E. Jakob, *Grundzüge der Rechtsphilosophie Julius Binders* (Baden-Baden: Nomos, 1996), in which Binder and his work are treated in more depth.
30. Larenz, *Das Problem der Rechtsgeltung*, 31; cf. 25, 28.
31. *Ibid.*, 33, 32.
32. *Ibid.*, 40, 41.
33. Schönfeld, *Ueber den Begriff einer dialektischen Jurisprudenz*, 31, 39, 40ff.
34. Hegel, *PR*, § 270 n., HW, vii, 421.
35. A letter sent by Schönfeld to the Protestant theologian Rudolf Hermann on 18 April 1933, which is held in the Hönigswald-Archiv (Aachen), is as noteworthy as it is disconcerting. Schönfeld is responding to a letter from Hermann in which the latter requested Schönfeld to sign a petition that Hönigswald, who was Jewish, was to present, to prevent his dismissal from his professorship at the university in Munich as a result of the 'Gesetz zur Wiederherstellung des Berufsbeamtentums' law (Law for the Restoration of the Professional Civil Service) that went into effect on 7 April 1933. Hönigswald's petition was ultimately unsuccessful. Schönfeld writes: 'The law is the law. It falls upon the just man and the unjust man, good and evil . . . Now that this law, as severe as it may be, has been passed, it must be carried through lest injustice arise in the cases of those who are not excepted from it, since not *all* can be spared. Hönigswald is 58 years old! I do not know whether he is man and philosopher enough to drink with dignity from the hemlock cup of dismissal. I would do so were I in his place, and I would be thankful for the release from having to give lectures and tutorials in a world that spurns me . . . Academia has been and continues to be too imbued with Jewish influence. Were he to consider the matter, Hönigswald could not come to any other conclusion. Something must change, and this change will affect even excellent men like him. The necessities of state and of the *Volk* will render it unavoidable that some are ruined who would not have otherwise deserved it.' – I would like to thank Stephan Nachtsheim (Aachen) for bringing this document to my attention. This letter may be compared to Hönigswald's letters to Hermann from this period. They have been published in *Rudolf Hermann: Aufsätze–Tagebücher–Briefe*, ed. by A. Wiebel (Münster: LIT Verlag, 2009), 305ff. This specific letter can be found on 318ff.
36. Binder, *Philosophie des Rechts*, 539, 538; cf. 282ff. ('Individualismus und Transpersonalismus').
37. *Ibid.*, 487.
38. *Ibid.*, 538.
39. *Ibid.*, 433; cf. 444, 487f., 546.
40. *Ibid.*, 326f.; cf. 340. See as well J. Binder, 'Der autoritäre Staat', *Logos* 22 (1933), 126–60, at 151. Binder identified the 'authoritarian power of the community of the state' in the union between the will of the state and the will of the single member of the community, since both were 'necessarily, in the final instance, the same' (*ibid.*, 157).

41. *Ibid.*, 427. The 'Enlightenment's destruction of the notion of the community' had, in comparison, misunderstood the essence of the community (*ibid.*, 429).
42. *Ibid.*, 497, 495.
43. *Ibid.*, 538, 280.
44. J. Binder, *Führerauslese in der Demokratie* (Langensalza: Beyer, 1929).
45. *Ibid.*, 5, 8, 67.
46. *Ibid.*, 31, 30.
47. *Ibid.*, 7f., 11f., 13f. *et passim*; 48f., 50, 53, 57, 64.
48. *Ibid.*, 53.
49. *Ibid.*, 51.
50. *Ibid.*
51. *Ibid.*, 5, 53.
52. *Ibid.*, 57. Binder, drawing on Hegel, had already opted for monarchy in his *Philosophie des Rechts* as a form of government that was based upon 'the concept of the *Führer* and therefore the *communion* between ruler and *Volk*' (*ibid.*, 539).
53. With explicit reference to his text dating from 1929, Binder acclaimed the 'Führer' Adolf Hitler in 1934. See J. Binder, *Der deutsche Volksstaat* (Tübingen: Mohr, 1934), 35. Binder recalled that 'cry for the *Führer*', as he had formulated it, and commented succinctly: 'This *Führer* can only be Hitler.' 'In Adolf Hitler, the *Führer*, who has, with inspired certainty, understood and embraced the essence of the *Führer* and of the *Volk*', Binder saw 'both the paragon and the realisation of the new *Reich*' (*ibid.*, 40). It is striking not only that these terms that arose in the 1920s were taken up again after 1933 and given new meaning in keeping with the times, but also how this was done. The term 'Führer' is one such example, but so too is the notion of the 'people's community' (*Volksgemeinschaft*). As recent historical scholarship has demonstrated, the concept is both much more than, and quite separate from, a simple propagandistic term put to use by the National Socialists. It was in fact in currency throughout the political spectrum during the Weimar Republic – none other than Friedrich Ebert, the first social democratic president of the Reich, used it repeatedly in his speeches! The vague and even indeterminate meaning of the term, which few saw the need to pin down, left it susceptible to the ideological pervasion and co-optation it experienced in the Nazi era, most explicitly among the neo-Hegelians. See M. Wildt, 'Die Ungleichheit des Volkes: "Volksgemeinschaft" in der politischen Kommunikation der Weimarer Republik', in F. Bajohr and M. Wildt (eds.), *Volksgemeinschaft: neue Forschungen zur Gesellschaft des Nationalsozialismus* (Frankfurt am Main: Fischer, 2009), 24–40; 'Volksgemeinschaft und Führererwartung in der Weimarer Republik', in U. Daniel (ed.), *Politische Kultur und Medienwirklichkeiten in den 1920er Jahren* (Munich: Oldenbourg, 2010), 181–204.
54. Binder, *Führerauslese in der Demokratie*, 30.
55. J. Binder, 'Die Bedeutung der Rechtsphilosophie für die Erneuerung des Privatrechts', in J. W. Hedermann (ed.), *Zur Erneuerung des Bürgerlichen Rechts*, with a foreword by Reichsminister Dr Frank (Munich: Beck, 1938), 18–36; 20f., 36.
56. See J. Eckert, 'Was war die Kieler Schule?', in F. J. Säcker (ed.), *Recht und Rechtslehre im Nationalsozialismus*, Kieler rechtswissenschaftliche Abhandlungen, n.s., 1 (Baden-Baden: Nomos, 1992), 37–70 – Larenz's obituary for Binder (who died on 28 August 1939) emphasised that Binder's thought on the so-called 'renewal of law' was equally relevant

after 1933: 'Back in that time when today's renewal of law could not even yet be conceived, he had already drawn conclusions from the idea of law, as he understood it, which – however little support they may have found in the world of positive law that then predominated – have since become practically self-evident to those who uphold the law.' In other words, Binder had prepared the way for the National Socialist 'renewal of law' and, at the same time, this later development validated his work after the fact. See K. Larenz, 'Rechtswahrer und Philosoph: zum Tode Julius Binders', *Zeitschrift für Deutsche Kulturphilosophie* 6 (1940), 1–14, at 12. That Binder (and the entirety of Hegelian political philosophy) could also be viewed in a different, thoroughly critical light by the National Socialists, and that Binder would find himself isolated towards the end of his life, is a separate matter. See references in Dreier, 'Julius Binder (1870–1939)', 160ff.

57. K. Larenz, *Über Gegenstand und Methode des völkischen Rechtsdenkens* (Berlin: Junker und Dünnhaupt, 1938), 8f.
58. Larenz, *Über Gegenstand und Methode des völkischen Rechtsdenkens*, 27.
59. Larenz, *Die Rechts- und Staatsphilosophie des deutschen Idealismus und ihre Gegenwartsbedeutung*, 187f.
60. G. W. F. Hegel, *Hegel and the Human Spirit: a translation of the Jena Lectures on the Philosophy of Spirit (1805–06) with commentary*, ed. Leo Rauch (Detroit: Wayne State University Press, 1983), 141. One can characterise Hegel's philosophy of right from 1821 as the expression of this approach towards constitutive power. Cf. G. Zenkert, 'Konstitutive Macht: Hegel zur Verfassung', in *Macht: Begriff und Wirkung in der politischen Philosophie der Gegenwart*, ed. R. Krause and M. Rölli (Bielefeld: TranscriptVerlag, 2008), 19–32.
61. Larenz, *Über Gegenstand und Methode des völkischen Rechtsdenkens*, 33, cf. 39; 'Die Aufgabe der Rechtsphilosophie', in *Zeitschrift für Deutsche Kulturphilosophie* 4 (1938), 209–43, at 216.
62. C. Schmitt, *Staat, Bewegung, Volk* (Hamburg: Hanseatische Verlagsanstalt, 1933), 31f. Schmitt admittedly formulates his argument not with reference to contemporary Neo-Hegelianism, but instead as a criticism of Hegel. He suggests that the opposition Hegel sets up between civil society and the state has been rendered obsolete by the new arrangement of the state, the movement, and the people. Carl Schmitt, however, in his *Über die drei Arten des rechtswissenschaftlichen Denkens* (*On the Three Types of Jurisprudence*), published just one year after the above-mentioned book, would explicitly and assertively attribute the origins of the notion of a 'konkretes Ordnungsdenken' to Hegel (which Karl Larenz, in turn, would use in his work – see note 65 below). Schmitt writes 'Hegel's state is the concrete order of all orders, the institution among all institutions' (C. Schmitt, *Über die drei Arten des rechtswissenschaftlichen Denkens* (Hamburg: Hanseatische Verlagsanstalt, 1934; 2nd edn, Berlin 1993), 39). By 1936 Schmitt would speak of a 'struggle for Hegel' and in response to his own statement from 1933 would pose the question 'whether he [Hegel] still lived or whether he had died, whether the living Hegel could be found today in Rome, in Berlin or even in Moscow'. See C. Schmitt, 'Faschistische und nationalsozialistische Rechtswissenschaft', in *Deutsche Juristenzeitung* 41 (1936), 619–20, at 620.
63. Larenz, 'Die Aufgabe der Rechtsphilosophie', 239.
64. K. Larenz, 'Vom Wesen der Strafe', *Zeitschrift für Deutsche Kulturphilosophie*, 2 (1936), 26–50 38f.; cf. 30f., 32f.
65. See Schmitt, *Über die drei Arten des rechtswissenschaftlichen Denkens*. In this book, Schmitt claimed Hegel's philosophy of right was an example of a 'total and deliberate

doctrine of order' and saw in what he called a 'doctrine of concrete order' a new 'type' of legal thought opposed to the positivism that was predominant at the time (*ibid.*, 38, 55). Larenz was emphatic and thorough in his praise for this approach in his discussion of Schmitt's work. Larenz claimed Hegel as well as Schmitt as founders of this 'doctrine of concrete order' when he wrote: 'It was Hegel, above all, in whom "the doctrine of concrete order" was most vividly embodied. To his mind, law and the state were not a system of rules, but concrete political orders with their very own natures of reality. Hegel's state looks down from its exalted heights upon the bourgeois state, which could do no more than uphold external order and security.' See K. Larenz's book review in *Zeitschrift für Deutsche Kulturphilosophie* 1 (1935), 112–18, at 114. Otto Pöggeler, however, justly argues: 'When Binder and Larenz take hold of Hegel's concrete notion, they consciously turn it on its head and use it to support something that Hegel himself treated with nothing but derision: nationalism, a "völkisch" connectedness even, a regress to the notion of the "Germanic".' O. Pöggeler, 'Philosophie und Nationalsozialismus – am Beispiel Heideggers', in *Heidegger in seiner Zeit* (Munich: Fink, 1999), 195–216, at 200. For Schmitt's (altogether superficial) engagement with Hegel, see R. Mehring, *Pathetisches Denken: Carl Schmitts Denkweg am Leitfaden Hegels; katholische Grundstellung und antimarxistische Hegelstrategie* (Berlin: Duncker & Humblot, 1989).

66. For more, see my conceptual history of the notion of *Volksgeist*: A. Grossmann, 'Volksgeist – Grund einer praktischen Welt oder metaphysische Spukgestalt? Anmerkungen zur Problemgeschichte eines nicht nur Hegelschen Theorems', in A. Grossmann and C. Jamme (eds.), *Metaphysik der praktischen Welt: Perspektiven im Anschluß an Hegel und Heidegger* (Amsterdam: Rodopi, 2000), 60–77; also see my article on 'Volksgeist/Volksseele', in J. Ritter, K. Gründer and G. Gabriel (eds.), *Historisches Wörterbuch der Philosophie* (Basel: Schwabe, 2001), XI, 1102–7 and C. Mährlein, *Volksgeist und Recht: Hegels Philosophie der Einheit und ihre Bedeutung in der Rechtswissenschaft* (Würzburg: Königshausen & Neumann, 2000), esp. 171ff.
67. See Rosenzweig, *Hegel und der Staat*, 197, 449f.
68. Larenz, *Rechts- und Staatsphilosophie der Gegenwart*, 165, 163, 131; see also K. Larenz, 'Volksgeist und Recht: zur Revision der Rechtsanschauung der Historischen Schule', *Zeitschrift für Deutsche Kulturphilosophie* 1 (1935), 40–60, at 42f.
69. Larenz, 'Die Aufgabe der Rechtsphilosophie', 224.
70. Larenz, *Über Gegenstand und Methode des völkischen Rechtsdenkens*, 9.
71. Bernd Rüthers described Schmitt's 'doctrine of concrete order' as being characterised by an 'ambiguity worthy of an oracle' and 'enigmatic indeterminacy'. The same can be said, *mutatis mutandis*, of Karl Larenz's adoption and application of the idea. See Rüthers, *Entartetes Recht*, 70, 71.
72. K. Larenz, *Deutsche Rechtserneuerung und Rechtsphilosophie* (Tübingen: Mohr, 1934), 34.
73. This is, Larenz asserts at the beginning of his work, 'the greatest temptation to which German thought has over the course of centuries often willingly yielded' – most recently in the incriminated legal theory of Kelsen, which from this point forward would gradually find itself pilloried as the 'manifestation of the corruption of the spirit by excessive foreign influence'. The turn towards 'truly *German* law', would demand a renunciation of and struggle against any thought categorised as 'foreign'. *Ibid.*, 3, 11ff.
74. *Ibid.*, 38.

75. *Ibid.*, 39; cf. 8f.
76. Larenz, 'Staat und Religion bei Hegel: ein Beitrag zur systematischen Interpretation der Hegelschen Rechtsphilosophie', in K. Larenz (ed.), *Rechtsidee und Staatsgedanke: Festgabe für Julius Binder* (Berlin: Junker und Dünnhaupt, 1930), 243–63, at 251.
77. Larenz, *Deutsche Rechtserneuerung und Rechtsphilosophie*, 9.
78. *Ibid.*, 44. Larenz's contribution to the 'renewal' of civil law within the framework of Nazi 'ideology' was thoroughly investigated by R. Frassek, *Von der 'völkischen Lebensordnung' zum Recht: die Umsetzung weltanschaulicher Programmatik in den schuldrechtlichen Schriften von Karl Larenz (1903–1993)* (Baden-Baden: Nomos, 1996).
79. Thus Larenz in his foreword to the volume: K. Larenz (ed.), *Grundfragen der neuen Rechtswissenschaft*.
80. Larenz, 'Rechtsperson und subjektives Recht: Zur Wandlung der Rechtsgrundbegriffe', in K. Larenz (ed.), *Grundfragen der neuen Rechtswissenschaft*, 225–60, at 228ff. – for more on this, see K. Anderbrügge, *Völkisches Rechtsdenken: zur Rechtslehre in der Zeit des Nationalsozialismus*, Beiträge zur politischen Wissenschaft 28 (Berlin: Duncker & Humblot, 1978), 203ff., esp. 215ff., further M. La Torre, 'Der Kampf wider das subjektive Recht: Karl Larenz und die nationalsozialistische Rechtslehre', in *Rechtstheorie* 23 (1992), 355–95.
81. *Ibid.*, 239f.
82. *Ibid.*, 240.
83. Section 1 BGB reads: "Die Rechtsfähigkeit des Menschen beginnt mit der Vollendung der Geburt' ('Legal capacity of each person begins with the completion of birth').
84. *Ibid.*, 242. In fact, Larenz's opening sentence does implicitly cite the 1920 NSDAP party manifesto and nearly copies it word for word. The manifesto states: 'Citizenship of the state is only open to those who are members of the Volk. To be a member of the Volk, one must be of German blood, regardless of religious confession. Therefore no Jew may be considered a member of the Volk.' See B. Rüthers, 'Die Ideologie des Nationalsozialismus in der Entwicklung des deutschen Rechts von 1933 bis 1945', in F. J. Säcker (ed.), *Recht und Rechtslehre im Nationalsozialismus*, Kieler rechtswissenschaftliche Abhandlungen, n.s., 1 (Baden-Baden: Nomos, 1992), 17–36, at 30f.
85. This topic is up to this day a matter of serious controversy among Larenz's critics and students. See B. Rüthers, 'Personenbilder und Geschichtsbilder – Wege zur Umdeutung der Geschichte?' and C.-W. Canaris, '"Falsches Geschichtsbild von der Rechtsperversion im Nationalsozialismus" durch ein Porträt von Karl Larenz?', both in *JuristenZeitung* 66 (2011), 593–601 and 879–88.
86. *Ibid.*, 241; cf. 245, 248. Larenz believes he is able to draw upon Hegel to justify this unification of right and obligation. It is supposed to be the 'foundational thought of his ethics of the community' (*ibid.*, 250 n. 45).
87. *Ibid.*, 243.
88. *Ibid.*, 244.
89. *Ibid.*, 258f., 257.
90. K. Larenz, 'Sittlichkeit und Recht: Untersuchungen zur Geschichte des deutschen Rechtsdenkens und zur Sittenlehre', in K. Larenz (ed.), *Reich und Recht in der deutschen Philosophie*, 2 vols. (Stuttgart, 1943), I, 169–412, at 401, 407.
91. *Ibid.*, 409.

92. See on this Frassek, *Von der 'völkischen Lebensordnung' zum Recht*, 185ff.; Anderbrügge, *Völkisches Rechtsdenken*, 218; Mährlein, *Volksgeist und Recht*, 216ff.
93. K. Popper, *The High Tide of Prophecy: Hegel, Marx, and the aftermath*, vol. I of *The Open Society and Its Enemies*, 2 vols. (London: Routledge, 1945), 56, 75.
94. E. Topitsch, *Die Sozialphilosophie Hegels als Heilslehre und Herrschaftsideologie* (Neuwied: Luchterhand, 1967); cf. Popper's disciple H. Kiesewetter, *Von Hegel zu Hitler: die politische Verwirklichung einer totalitären Machtstaatsideologie in Deutschland (1815–1945)* (Frankfurt am Main: Peter Lang, 1995).
95. H. Marcuse, *Reason and Revolution: Hegel and the rise of social theory*, 2nd edn (London: Routledge, 1955), 402. A German translation appeared in 1962 which, like the English original, was 'dedicated to Max Horkheimer and the Institut für Sozialforschung'. H. Marcuse, *Vernunft und Revolution: Hegel und die Entstehung der Gesellschaftstheorie* (Berlin: Hermann Luchterhand, 1962).
96. *Ibid.*, 405.
97. See A. Honneth, *Das Recht der Freiheit: Grundriß einer demokratischen Sittlichkeit* (Berlin: Suhrkamp, 2011).
98. For the role of the Ritter school in the debates on self-reflection and understanding in the post-war era, see J. Hacke, *Philosophie der Bürgerlichkeit: die liberalkonservative Begründung der Bundesrepublik* (Göttingen: Vandenhoeck & Ruprecht, 2006). For more on this and a further contextualisation of the discussions about the political intellectual history of the Federal Republic, see Ph. Hölzing, 'Zur politischen Ideengeschichte der Bonner Republik', in *Philosophische Rundschau* 57 (2010), 33–48 – on Joachim Ritter's impact and influence from the perspective of another prominent student, see R. Spaemann, *Über Gott und die Welt: eine Autobiographie in Gesprächen* (Stuttgart: Klett-Cotta, 2012), 80ff.
99. Böckenförde credited Carl Schmitt and Hermann Heller as 'intellectual sources' in a biographical interview, and credited Lorenz von Stein for influencing his thought on the social dimension of the constitutional state (E.-W. Böckenförde, *Wissenschaft, Politik, Verfassungsgericht* (Berlin: Suhrkamp, 2011), 305–486, at 378, 381 and 367, 369). One might be surprised that Hegel's name is not mentioned. But for Böckenförde this is simply explained by the fact 'that Hegel . . . was always present'. 'Hegel's philosophy of right has always accompanied me over the course of decades, not just during the time at the legendary Collegium Philosophicum, but even more so during seminars and lectures, not the least the lecture "The History of the Philosophy of Law and State", which I and Professor Hollerbach alternated in giving between 1977 and 2003 in Freiburg. This led to continuous contact, meeting and exchange with Hegel's philosophy of right' (letter to the author dated 15 May 2012).
100. E.-W. Böckenförde, *Recht, Staat, Freiheit: Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte* (Frankfurt am Main: Suhrkamp, 1991), 113.
101. See Hegel, *PR*, § 273.
102. R. Bubner, *Welche Rationalität bekommt der Gesellschaft? Vier Kapitel aus dem Naturrecht* (Frankfurt am Main: Suhrkamp, 1996), 159f.
103. See also K. Vieweg, *Das Denken der Freiheit: Hegels Grundlinien der Philosophie des Rechts* (Munich: Fink, 2012).

11

Idealism and the fascist corporative state

Irene Stolzi

1 Corporatism, Idealism and juridical science

This chapter will be concerned with a small but significant part of twentieth-century Italian legal history: the doctrine of corporatism that developed in Italy under the influence of Idealism. Prompted by the fascist regime, the corporatist system was conceived as a specifically Italian 'third way'. On the one hand, it was meant to combine private property and private economic enterprise with the possibility of various kinds of public intervention into the economy. On the other hand, it was intended to support the establishment of a structure of power capable of reconciling, in a sharply authoritarian fashion, the supremacy of the state with the acknowledgement of the institutional legitimacy of the main expressions of the new mass society (political parties, trade unions, productive forces). The development of the corporatist system came in three phases. The first was the trade-union phase, which focused on the state's recognition of unions of both workers and employers. This aimed at abolishing both trade union pluralism and the free economy: only fascist unions were recognised, and strikes and lockouts were prohibited and severely prosecuted. The second phase was the properly corporatist one. It began in 1934, when corporations were instituted; these were state-related bodies resulting from the combination of elements from trade unions, the public administration and the Fascist Party. They were the institutions in charge of managing the relations between the state and economic, political and social forces – and, therefore, the fulcrum of the new fascist organisation of power. In fact, however, their concrete activity was quite modest. The third phase of the development of the system was the institution, in 1939, of the House of Fasci and Corporations (*Camera dei Fasci e delle Corporazioni*), which formally ratified the suppression of the elections of deputies. The

members of the House, in fact, were not elected; rather, they owed their membership to their being in charge of other bodies of the fascist state (the party, trade unions, corporations and others).

Idealism, especially as it is represented by its standard-bearers Benedetto Croce and Giovanni Gentile, is an important episode in Italian twentieth-century philosophy. Many disciplines were influenced by it, including juridical science. I shall here refer mainly to Giovanni Gentile and those Italian jurists who were inspired by his thought. They were close to the fascist regime, and debated the form which corporatism should take if it was to match the challenges of the reality of the new century (which it was supposed to regulate). Many authors were involved in that debate, all sensitive in their own way to the impulse of Idealism. This essay will sketch the main lines of the discussion through an examination of their various positions.

To be sure, Croce's relations with fascism are not irrelevant. However, they must be located at a different level than Gentile's. Croce's early criticism of the regime and of what, in his opinion, was a distinctive trait of Gentile's view, namely, the 'governmental conception of morality',[1] led to the publication of the *Manifesto of the Anti-fascist Intellectuals* (*Manifesto degli intellettuali antifascisti*) in 1925. Such a criticism caused Croce's and Gentile's intellectual and personal fellowship to break up,[2] but also significantly contributed to bringing about the interpretation of fascism as a mere incident, a perverse but passing deviation within Italian history (an interpretation which has been quite influential for many years, and not only in Italy).

Italian idealism presents itself, then, as a complex and articulated theoretical framework. It gave rise to many partially overlapping views of law, of which, however, we may isolate some common traits. On the whole, Italian juridical science was influenced by Idealism on three different, complementary fronts.

First of all, Idealism emphasised the necessarily historical nature of juridical phenomena, which could not be isolated from the process of historical change, or ossified in the form of written law. Oversimplifying, we may say that Idealism contributed to the emancipation of juridical thought from what is commonly called 'juridical positivism', that is, from the idea that law is just what results from, or expressly refers to, statutory rules (the so-called positive law). A corollary of such a position was the idea that jurists, judges or anyone interpreting the law, should only produce legal judgements on the basis of given norms – the possibility of any creative or evolutionary contribution to the formulation of laws themselves being thereby ruled out.

It was in the first part of the twentieth century that such an epistemological assumption came to be revised. Against a nineteenth-century juridical system that could not deal with a rapidly changing society, the belief began to take root that law was something different and broader than hypostatised statutory rules. To be sure, it was not only due to the influence of Idealism that juridical science started to address such problems. However, in some authors Idealism undoubtedly played a significant role in determining their abandonment of positivist formalism. As Paolo Grossi noticed, 'this is not surprising: Idealist historicism', through its 'emphasis on the concrete individual', tended to be 'suspicious of abstractions and of their first representation, law', and to locate every reference to the necessary superiority and transcendence of the moment of the state at a different level.[3] A juridical science capable of dealing with the pressures of 'urgent historical reality',[4] then, had to be able to leave the idolatry of the legislator behind.[5] Also, it had to be prepared to work on reality more than norms, and on the basis of that work it had to put forward a model of society suitable for the climate of the new century.

This leads us to the second common trait. On the idealist view, juridical thought did not have a merely certifying role: that is to say, it should not only be concerned with registering experiential data. To the authors in question, fact and value, history and the ethical projects of humanity, were necessary, correlative dimensions of systematic legal discourse. This is shown by their crediting their proposed theoretical solutions with an ability to match the *authentic* nature of the relevant specific realities (individual, society, state) and the dynamic of their future development.

From this point of view, Idealism (especially that of Gentile) was quite appealing, for it presented itself as a philosophical system that put future history in various ways at the centre of its theoretical horizon. History ceased to be the domain of sheer non-contemporaneity. That was not because of the application of a speculative grid intended to purify and thereby distort it. On the contrary, the idealist claim implied that thought could become action,[6] and so could contribute to designing the future organisation of society. Legal science, wrote Volpicelli (one of Gentile's pupils), 'preserves its own mandatory critical function' only if 'it promotes reality along with interpreting it – if it commands life as well as obeying it'.[7]

In relation to juridical thought, such assumptions enabled jurists to avoid the demon of empiricism: that is, they prevented the rediscovery of historicity both from leading to 'sociologising . . . answers'[8] to the identity crisis of juridical science, and from being reduced to a mere diagnosis of the crisis.

It was widely accepted that the much-discussed crisis (of the state, of private law and even of law *tout court*) in Italy after the First World War was primarily the crisis of that nineteenth-century model, which imagined the social order as the result of a harmonious interaction of separate and non-interfering universes: the public and the private, the political, the juridical, the economic. However, it was also accepted that the renewed interest in the function of thought was an important preliminary step in reaffirming the legitimacy of juridical science itself – disregarding, of course, local agreements or disagreements.

After all, the new century was opening up so many questions. Consider, for example, one of the most distinctive traits of the new mass society: the proliferation of organised social groups – political parties, trade unions, companies, geographical concentrations of enterprises. These phenomena demanded a revision of the traditional conceptions of private and public law. Of private law, because the network of the new groups made the old conception of society as simply a collection of individuals untenable unless the problem of the relationship between individuals and groups, between individuals and social autonomy, was fully confronted. But social organisations forced a rethinking of public law too, for they put pressure on the state and sought to influence its action; this made the nineteenth-century picture of a sovereign state, untouched by social and economic dynamics, obsolete.[9]

Here is the third common trait. It was not by accident that one of the key themes of idealist Italian jurists was that of social organisation (and the organisation of society). The intention was to replace the nineteenth-century concept of the separation of state and society with the idea of an order resulting from the necessary interaction between them. Indeed, the starting point for the rethinking of the identity of the private and the public, and, more generally, of the system supposedly binding together rules and obedience, autonomy and heteronomy, was the idea of society as a system of entities and organisations. The collective dimension of law was credited with a fundamental role in bringing into focus the new face of civil co-existence and the bond between historical awareness and prescriptive and systematic requirements, even in juridical discourse. This was due to two different views of social entities. On one view, social entities were considered the only possible 'truth of the individual',[10] the only place where the authentic nature of subjectivity could be preserved against the disruptive force of eighteenth- and nineteenth-century individualism. On the other view, although with the same effect, social entities appeared as a specific product of the twentieth

century, one which was bound to experiment with new forms of mediation between state and society.

2 A frontier of totalitarianism: the state *in interiore homine*

In this context, it is not surprising that corporatism proved capable of attracting those jurists who were close to Idealism. There are many reasons for the link between corporatism and Idealism. First, because corporatism was born as a political and administrative doctrine designed to confront the problem of the relationship between the state and the economic and social forces typical of the twentieth century. Second, because it was a project intended to solve the authority crisis of the state, by guaranteeing the predominance of the general interest over partial ones, and so of neutralising the centrifugal drive of the latter. Thirdly, because the corporatist project was original, new, still to be shaped; and therefore capable of being a genuine field for testing the application of juridical thought to the new politics of inter-war Italy.

The corporatist project, then, was a child of its time, sensitive to the imperatives of the new historical age that had begun in Europe after the First World War. It was also a project that still had to be realised, which raised above all the question of the organisation of civil co-existence in the new mass society. One of the answers to that question was the totalitarian one. That is, corporatism was taken to be a project which, if rightly interpreted and fulfilled, would be capable of providing, as Gentile said, the most appropriate institutional embodiment of the 'totalitarian character of fascist doctrine'.[11] If, in Maggiore's words, the 'totalitarian state' was 'necessarily corporatist',[12] fascism would not be a mere imposition of order through the old forms of 'social authoritarianism'.[13] On the contrary, fascism, and its main institutional expression, corporatism, had the task of bringing into being a state capable of including the whole spectrum of social and political forces.

In Gentile's view, in particular, fascism could aim at embodying a genuinely new social and historical age only if it was able to bring about, on a political and institutional level, that consensus, that overcoming of particularities and selfishness, which had been realised in the only two glorious episodes in recent Italian history – namely, the Risorgimento and the First World War.[14] Combating the predominance of selfishness and particular interests meant celebrating the majesty of the state and so seeing the state (as Hegel had taught) as the necessary and ultimate moment of the realisation of

individuality: an individuality capable of transcending its own particularity and of 'acting as a universal will'.[15]

However, such an upshot was not seen as fatalistically necessitated by historical evolution. On the contrary, the victory of the universal over the particular was conceived as the outcome of a struggle beginning in the individual (inhabited by a constant tension between those two opposing tendencies), continuing in society and, finally, reaching the state.[16] But if the victory of the universal was not taken for granted, then it had to be supported and pursued through all the means at the state's disposal. In this sense, it was necessary that fascism should enhance the role 'of the party and of the institutions in charge of propaganda',[17] that it should exploit the 'pedagogical and moralising function of trade unions',[18] that it should view the corporatist order and the various political, social and economic entities that comprised it, as resources for bringing back the individual to the state, of bringing about the perception of the state *in interiore homine*. If this complex persuasive machinery could not avoid 'particularist wills exteriorising themselves', pretending 'to affirm their superficial will',[19] then the state could, and indeed should, resort to coercion, which was viewed as a means of preserving individuals from the dangers of an unrealised subjectivity overwhelmed by egoistic impulses. Therefore, in Gentile's system, freedom and coercion were not 'incompatible' dimensions: it was assumed, in fact, that a relationship had to be established between state and subject analogous to that between 'teacher [*maestro*] and pupil', because 'education involved the exertion of a coercive force, which, once internalised, could become an emancipatory force',[20] a vehicle for the liberation of the subject.

The state *in interiore homine* was the ideal consequence of this process, which was conceived as the concrete synthesising of the philosophical and the prescriptive elements in the idea of the state as both an ideal type of civil co-existence, and at the same time the institutional apparatus capable of realising such a type.

This was not a discourse created *ad hoc* to justify Gentile's adherence to fascism; rather, it was already fully developed from the middle of the 1910s.[21] Both Ugo Spirito and Arnaldo Volpicelli contributed to it. The main points of Gentile's view can be found in their theoretical works, in which the corporatist doctrine is fully developed. For them, too, the historical and theoretical legitimacy of corporatism and fascism turned on the ability of these movements to realise the absolute identity of the state and the individual. It was necessary to think of the individual, and his or her place in the world, in terms of their belonging to society and the state. Indeed, this

kind of reasoning was a common trait of several anti-individualistic theories of state and society.[22] However, in the case of corporatism, the explicit goal was to do away with the possibility of any dialectic between autonomy and heteronomy, in favour of a perfect osmosis between the objective and subjective dimensions of social experience. Such an osmosis was to be pursued by guaranteeing 'an increasingly intimate and positive institutional adherence of the state to that concrete social reality of which the State is the essential directive personality'.[23]

The corporatist state, then, had to make contact with actual social and economic relationships – not, though, in order to realise 'a fair participation of all categories in the creation of the State's will'.[24] Such an approach to the conflicts and complexities of the new mass society would have ended up reproducing on a larger scale the limitations of outdated models of the state that tended to deal with conflicts between social forces by means of an artificial combination of repressive and participatory measures. Such a policy was ineffective because it simply confirmed the fragility of an authority perceived as external (if not extraneous) to the self-determination of groups and individuals. It was imperative, then, to put the necessary 'superiority' of the state over individuals on a different plane, namely that 'of the [superiority of an] organism over its organs'.[25] In this way, countering a juridical tradition that had strenuously defended the distinction between law and politics, Spirito and Volpicelli reasserted the supremacy of the political over the juridical, and the necessity that politics should become the actual driving force of law.

Which politics, though? Certainly not, from their point of view, the one resulting from the confused comparison and assessment of opinions in a parliament and the quantitative computation of votes. Rather, politics had to be the unifying dimension where the aims and objectives of the entire national life were identified, and it had to bring all the moments of social and individual living back into that national life.[26] In the works of Spirito and Volpicelli there was no explicit indication as to which powers, which organs or bodies and which procedures were meant to ensure the realisation of those aims. They treated politics only from the standpoint of the state; the state, and only the state, could identify both the relevant objectives and the means by which they should be realised in the lives of the citizens.

Intermediate corporations played a significant role in organising, on behalf of the state, the whole space of common life, and indeed of the subject's interiority. On the one hand, the transmission of objectives and values from the state to the subjects had necessarily to pass through them. On the other

hand, they were important instruments for the state to organise, control and rule civil society. They also had to present themselves as created by the power of the state. The existence of intermediate corporations, then, was a necessary condition for an effective relationship between the state and civil society, and between civil society and the individual. In other words, the aim was to realise, through the new corporatist machinery, 'the aprioricity of the system with respect to its members',[27] i.e. the priority of the state over individuals. At the lowest level, the very personality of the individuals had to be organised by the state, thereby wiping out any dialectic between autonomy and heteronomy and, along with it, between private and public law.

In this sense, corporatism could make sense only if it ratified 'the state-related nature and significance of the whole of individual and social life',[28] if the state proved itself able to 'organise and control the whole life of society within its own unitary system',[29] and to be experienced 'not as an external limitation and constraint, but rather as an intimate reality and power living in and from the individual'.[30]

3 The end of private law

The seizure by the state of power over individuals and society implied dismissing the distinction between private and public law, so that all juridical argument became public. This meant, in turn, rejecting the assumption that law had a private dimension in which it could be autonomously deployed by individual citizens, and in which the latter could freely choose the aims of their own actions. Anything standing in the way of the identification of individual life with the life of the state was potentially subversive, and, as such, had to be brought back within the state order. If, therefore, 'all forms and forces of the nation's life' were 'legitimate and justifiable only insofar as they realised and acted according to their statal nature and destination',[31] it was necessary to set 'the authority of the State over the whole of the individuals' life', including 'their economic, religious and moral lives, which the old State . . . , agnostic and negative . . . , used to leave outside itself, treating them as natural rights and spheres of action of private individuals in their unrelated singularity'.[32]

Indeed, the process of the 'statalisation' of individual personality could be considered complete only when the choices of single individuals became parts of a system of decisions which did not depend upon on, or originate from, the individuals themselves.

> In my behaviour [*nel mio agire*] . . . I do contemplate certain aims, which are mine and match my taste; but such aims are not arbitrary, and can only be explained by locating them as part of the life of the state. So that, in a different state, there would be different conditions of life, . . . the tastes of the citizens would be different and so, in short, would be the aims which anyone was able to contemplate and actually did contemplate.[33]

In this view, corporatism was meant to prepare the institutional instruments through which individual citizens' perception of authority as something other than themselves, as an external dimension, could be overcome. In other words, corporatism should educate people in their consciousness of freedom and especially in perceiving the state as the only possible vehicle of a 'superior freedom'[34] – superior, that is, because originated, moulded and disciplined in the forge of the new totalitarian statehood.

Even the significance of private property, which in the nineteenth century had been understood as the main point of contact between the private and the public spheres, was radically redefined by the corporatist philosophy of law. Fascism, wrote Spirito, 'leaves property untouched, not because of an alleged inviolability of the rights of individuals, but only because it takes property to be the most effective and useful tool with respect to the interest of the nation'.[35] In short, property was stripped of its symbolic value: it was no longer the inescapable horizon of individual autonomy and freedom. Instead, it became an instrument that the state could use in order to proclaim its own conquest of society and its own economic power.

Corporatism was a credible third way only if it proved itself capable of overcoming the limitations of both the socialist and the liberal systems. The practice of socialism demonstrated that citizens who had been stripped of property became increasingly uninterested in productivity and the output of their own work. Liberal systems, on the other hand, had an unwarranted faith in an atomistic and competitive conception of the market, which had in the inter-war years already been rendered obsolete by the greatly increased size of industrial enterprises. The latter were engaged in an uncontrolled process of competition that put the safety of the state at risk without guaranteeing adequate economic development.[36] Once again, for Spirito, the right answer lay in the state; or, better, the right answer was to endow the state with a new kind of authority, in order structurally to bind it to the dynamic of the economy. Spirito's much-criticised proposal in 1932 for the corporatisation of property,[37] the so-called *corporazione proprietaria*, was simply a means to coordinate the authority of the state with the dynamics of the

economy, thereby enabling the development of industrial 'giants'[38] and an 'all-out industrialisation' of the Italian economy.[39] As an 'organ'[40] of the state, and, at the same time, a productive reality shaped like a limited company, Spirito's corporation was meant to ratify 'the actual identification of each individual's economic life with the State's economic life'.[41] It was also intended to combine the presence of a systematic centre, namely the state, orienting and controlling the national economic policy, with the presence of productive organisations yielding profits and sharing them among the participants in the productive process, 'in accordance with their hierarchical ranking'.[42]

In Spirito's view, the upshot of all this would be a complete rationalisation of the dynamics of the economy, and of national life *tout court*; a rationalisation which would finally be centred on the producer, a subject who would be both spurred to produce at his full potential by his capacity to earn, and supported in such an activity by the state, which would delimit and determine the conditions of private economic actions. In this way, 'the hypothetical ideal of a general balance, miraculously yielded by the combination of an infinite number of arbitrary private choices, was replaced by another ideal, that of a totalitarian organism in which everybody contributed with a conscious and non-immediate will'[43] that, as such, would be one with the will of the state.

This is the source of Spirito's criticism of Hegel and the latter's (allegedly) contradictory arguments concerning property. According to Hegel, wrote Spirito, 'single individuals are only abstractions; in reality, they live as families, as civil society, as state';[44] as a consequence, property as a private right should itself be considered 'an abstraction', the private and individualistic shape of which was bound to dissolve in the superior synthesis of the state. In Hegel, however, this 'private character'[45] was always reasserted, in contradiction, Spirito believed, to the theoretical premises and the actual elaboration of his thought.

At root, two distinct interpretations of history were at work in Hegel. Hegel, indeed thought that 'the essential traits of that juridical tradition, which from Locke to Kant... had made property inseparable from freedom'[46] were 'the first step on a path which has to be run by dialectically overcoming its very starting point', and whose ultimate ending point was the state, or 'freedom made true as the State',[47] and the stages of such a path were presented as 'the upshot of a long and triumphal historical process'[48]. However, Hegel also attached to 'this ideal route, having in the state its own ending and ultimate point', a 'merely cognitive and expositive value: in

reality, the state was not the result, but the "true ground"'[49] on the basis of which individuals and society became thinkable.

It seems that, in the authors we are considering, such a favourable (*in bonam partem*) depiction of past history and of the development of ideas has disappeared along with any sense of historical necessity, leaving only a destructive criticism of the past, and of all the images of order the past had conveyed. In the works of Spirito and Volpicelli, attention to the constructive element, which was shared by all the totalitarian interpretations of fascism, coexisted with a reading which tended to think of the past as a mere accretion of irrational and disruptive individualistic impulses. Past and future, then, were able to communicate only in terms of a drastic mutual opposition. The problem was not even one of rethinking and transforming the positive heritage of the past in the new totalitarian reality: the very distinction between a good and bad historical legacy disappeared. This also represented a significant departure from Gentile's view.

In this *Weltanschauung*, everything pertaining to the private, instead of being conceived as the negative moment in the dialectic to be overcome by the synthesis of the state, was thought of as the 'eternal enemy to be fought', the sign of an imperfection within 'the dialectic of life'[50] – an imperfection which had to be expunged by the new totalitarian organisation of the power of the state. 'Law', wrote Volpicelli, 'does not mark borders between individuals; rather, it unifies them, it organises them in a system and in a common work'[51] and is therefore incompatible with the presence of spheres of autonomy. Even more radically, it is incompatible with what is conceived of as the irrelevant intervention of the law.

4 Borders, old and new

This stress on the primacy of the political moment also met with some dissent. In particular it was maintained, for example by Gentile's 'faithful follower' Giuseppe Maggiore,[52] that realising the new total state did not require subduing the subject's interiority. Maggiore was persuaded that the essence of the totalitarian project was well expressed in the idealist slogan, 'the state . . . in everything',[53] a slogan which acknowledged and promoted the absence of limits[54] to the power of the state, along with promoting and acknowledging the possibility of the state's controlling every aspect of the subject's life. However, he believed that references to a state *in interiore homine* could open the way to an inappropriate mixture of political and ethical components.[55]

Maggiore did not see this as a way of getting rid of any role for ideology in the construction of the new state. On the contrary, Maggiore was among the most strenuous advocates of the need for modifying both the traditional system of the sources of law, which assumed the supremacy of law, and the whole system of principles grounded on that supremacy. In particular, his proposal was to maximally emphasise the powers of the judiciary and the executive, which he considered to be nearer than the written law to the actuality of society. Those powers were supposedly more capable of finding effective ways to transmit, more immediately and widely, the values which the fascist state wanted to promote.[56] The actions of judges and the officials, then, had to have an ideological connotation: they should contribute to the realisation of fascist principles. For Maggiore, such a realisation might even be obtained through the abolition of the use of analogy in criminal law – the basic idea, here, being that every crime was 'political' and every criminal a 'rebel' to be prosecuted, even in the absence of an explicit norm.[57]

Therefore, for Maggiore, the political level, which had to proclaim the key values of the new fascist era, had to embody the absolute supremacy of the state and to influence and determine all the forms of law. For him, politics had to be understood as 'the doctrine of the power of the state'[58], as the expression of the – limitless – 'quantity'[59] of power. The structure of the discourse, however, did not change much. In order to be effective, the political level, so conceived, needed a complex network of intermediate entities that had to spread the might of the new state[60] to the remotest recesses of civil co-existence. It also had to exclude any form of either social or political autonomy. However, it could afford a less iconoclastic attitude towards the distinction between the public and the private. For one thing, without this distinction 'particularity' and 'generality' lost all meaning.[61] Not only this. Private law undoubtedly appeared as 'less valued, or even disvalued'[62] with respect to public law, and therefore coercible at will by the superior power of the state. But such a power – and here is the main point – could establish its totalitarian self whether or not the identity of the individual and the state was fully realised. Not only was the latter difficult to achieve, but making it a condition for the realisation of the totalitarian state meant ratifying the dependence of the fascist state on individual citizens and on their inner adherence to its demands.

Cesarini Sforza, another representative of Idealism-oriented philosophy of law, made the same point even more clearly.[63] He kept his distance from totalitarianism as a political theory, and even if the social model he promoted mirrored in many ways the ones this chapter has considered, he vehemently

contested the thesis of the identification of the individual and the state. He contested it first because, since it required juridical life to become entirely public, it would have made private law and any form of subjective autonomy disappear. He also opposed it because, in tearing down the borders between the public and the private, it risked producing its own opposite, the dependence of the state on society.[64] Cesarini Sforza claimed that the public and the private were two necessary elements in juridical experience, expressions of two distinct and non-communicating modalities – autonomous and heteronomous[65] – which defined certain real interests. This was the key point in his attempt to adapt to the new century the old alliance between the state and the private proprietor, an alliance which it was the task of corporatism to confirm and ratify. The collective dimension of law and organised interests was the core of his thought, precisely because it was not supposed to lead to the statalisation of all legal activity; rather, it had to provide the conditions for the realisation of a conception of civil co-existence which was far from mass democracy, and depended instead on an elitist view of 'social dominion'.[66] Clearly, all Gentile's and Volpicelli's references to the authentic democratic and representative nature of the corporatist state originated from their own view of totalitarianism which, by implying that the corporatist idea of the state had already been internalised by individual citizens, made it possible to think of the state as representative of the individual's genuine will and freedom[67] – a freedom which could be obtained only through the state. However, it is obvious that such a reconstruction of the idea of freedom, depending as it did on the elimination of any distance between state and society, was open to being overturned by any resurgence of democratic voluntarism, i.e. the idea that statehood is grounded on the majority's will (which, by that time, meant the will of the masses).

The Italian reception of Idealism, then, generated different readings of corporatism, which were however all equally concerned with the key political problem of the twentieth century: how a mass society should be governed. This was a common feature of all the theorisations of totalitarian corporatism, even those that were not influenced by Idealism. It was also a typical aspect of those views, which, though rejecting totalitarianism, saw in corporatism an institutional instrument appropriate to the peculiar characteristics of twentieth-century society. This was not, however, the prevailing attitude in Italian juridical thought: most jurists and philosophers tried to reconcile corporatism with the traditional concepts of legality and order. Such attempts reflected more a difficulty in conceiving of juridical order within new theoretical coordinates than a deliberate desire on the part of their authors to distance themselves from the regime and from the intellectuals

who were trying to shape it from within. This is shown by the interpretations that Italian juridical thought gave of fascism and corporatism after their fall. The influence of corporatism on Italian legal thought was, if not completely negligible,[68] certainly well below the revolutionary expectations it had been supposed to fulfil. However, the failure of the corporatist experiment was greeted as an opportunity for restating the eternal validity of the traditional, nineteenth-century conception of the relationship between state and society. This had significant consequences for the subsequent development of Italian juridical thought. Corporatism was stigmatised, even more than as an expression of fascism, as evidence of the impossibility of setting the problem of the relations between individuals, social groups and the state in a new framework. Moreover, the fall of the fascist regime was greeted as an opportunity for fully rehabilitating the old borders between the public and the private, and between the political, the juridical and the economic. The real risk for Italian legal thought, therefore, was that it would radically ignore the specificity of the twentieth century, and so prevent itself from understanding the totalitarian nature of some theorisations of corporatist fascism. The latter, in fact, was simplistically labelled as a minor expression of some 'doctrinal digressions'[69] that were politically irrelevant and therefore unable to influence the actual course of events. Moreover, Italian legal thought continued to reassert the essential separateness of domains which both the 1948 Italian constitutional charter and the actual development of post-fascist Italian society showed to be closely interwoven. The constitutional charter offers a vision of democracy in which the declaration of the rights and the inviolable autonomy of individuals, and a concrete conception of individuals, social formations and the state, as well as of the free market and public intervention in economic matters, constantly intersect with each other. However, the prevailing attitude of Italian legal philosophy to the corporatist experiment has not merely served as a justification for an interpretation of fascism in which it boils down to a mere temporary and bankrupt attempt to open a new chapter in Italian history. More importantly, it has led to the exclusion of Italian juridical thought from the planning of the new democratic course.[70]

Translated by Nicola Spinelli

Notes

1. B. Croce, 'Elementi di politica' (1925), in Croce, *Etica e politica* (Roma-Bari: Laterza, 1956), 231.

2. F. Perfetti, 'Giovanni Gentile, una filosofia per lo Stato etico', in *Giovanni Gentile: Discorsi parlamentari* (Bologna: Il Mulino, 2004), 22.
3. P. Grossi, *Scienza giuridica italiana – un profilo storico 1865–1950* (Milan: Giuffrè, 2000), 143.
4. U. Spirito, 'Verso l'economia corporativa', *Nuovi Studi di Diritto Economia Politica* 3 (1929), 233.
5. G. Maggiore, 'La dottrina del metodo giuridico e la sua revisione critica', *Rivista Internazionale di Filosofia del Diritto* 6 (1926), 385.
6. P. Costa, *L'età dei totalitarismi e della democrazia*, vol. IV of *Civitas – storia della cittadinanza in Europa*, 4 vols. (Roma-Bari: Laterza, 2001), 223.
7. A. Volpicelli, 'I presupposti scientifici dell'ordinamento corporativo', *Nuovi Studi di Diritto, Economia, Politica* 6 (1932), 102.
8. P. Costa, 'Widar Cesarini Sforza: illusioni e certezze della giurisprudenza', *Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno* 5–6 (1976–7), 1048.
9. See V. E. Orlando, 'Diritto amministrativo e scienza dell'amministrazione' (1887), in *Diritto pubblico generale* (Milan: Giuffrè, 1940), 166ff.
10. Grossi, *Scienza giuridica italiana*, 164.
11. Giovanni Gentile, 'Fascismo identità di Stato e individuo' (1927), in C. Casucci (ed.), *Il fascismo – antologia di scritti critici* (Bologna: Il Mulino, 1982), 267.
12. G. Maggiore, *La politica* (Bologna: Zanichelli, 1941), 301.
13. Volpicelli, 'I presupposti scientifici', 103.
14. Gentile, 'Fascismo identità', 256ff.
15. Giovanni Gentile, 'I fondamenti della filosofia del diritto' (1916), in *Opere complete* IX (Florence: Sansoni, 1955), 71.
16. Costa, *L'età dei totalitarismi e della democrazia*, 232–4.
17. Gentile, 'Fascismo identità', 274.
18. *Ibid.*, 275.
19. Costa, *L'età dei totalitarismi e della democrazia*, 234.
20. *Ibid.*, 241.
21. See *ibid.*, 232; Perfetti, 'Giovanni Gentile', 45ff.
22. Costa, *L'età dei totalitarismi e della democrazia*, 490.
23. A. Volpicelli, 'Dal parlamentarismo al corporativismo – polemizzando con H. Kelsen', *Nuovi Studi di Diritto Economia Politica* 3 (1929), 259.
24. *Ibid.*, 262.
25. A. Volpicelli, 'I fondamenti ideali del corporativismo', *Archivio di Studi Corporativi* 1 (1930), 208.
26. See: A. Volpicelli, 'Santi Romano', *Nuovi Studi di Diritto Economia Politica* 3 (1929), 354; and U. Spirito, 'Benessere individuale e benessere sociale', *Archivio di Studi Corporativi* 1 (1930), 495.
27. A. Volpicelli, 'Corporativismo e scienza del diritto – risposta al prof. Cesarini Sforza', *Archivio di Studi Corporativi* 3 (1932), 434–5.
28. Volpicelli, 'I fondamenti ideali', 211.
29. *Ibid.*
30. *Ibid.*, 208.
31. *Ibid.*, 209.

32. *Ibid.*
33. Spirito, 'Benessere individuale', 489.
34. Volpicelli, 'Corporativismo e scienza del diritto', 439; in the same sense also U. Spirito, 'Il corporativismo come liberalismo assoluto e socialismo assoluto' (1932), in C. Casucci (ed.), *Il fascismo – antologia di scritti critici* (Bologna: Il Mulino, 1982), 142.
35. Spirito, 'Dentro e fuori' (1932), now in F. Malgeri and G. De Rosa (eds.), *Giuseppe Bottai e 'Critica fascista'*, 2 vols. (San Giovanni Valdarno: Landi, 1980), II, 728.
36. U. Spirito, *Individuo e Stato nella concezione corporativa* (Rome: Tipografia del Senato, 1932), 4ff.
37. The references to 'corporazione proprietaria' can be read especially in Spirito, *Individuo e Stato*.
38. U. Spirito, 'Ruralizzazione o industrializzazione?', *Archivio di Studi Corporativi* 1 (1930), 149.
39. *Ibid.*, 133.
40. Spirito, *Individuo e Stato*, 9.
41. *Ibid.*
42. *Ibid.*
43. Spirito, s.v. 'Scambio', *Enciclopedia italiana* (Rome, 1934), XXX, 1005.
44. U. Spirito, 'La proprietà privata nella concezione di Hegel', contribution to the Third International Hegelian Conference (Rome, 1933), later published in Spirito, *Il comunismo* (Florence: Sansoni, 1965), 111.
45. *Ibid.*, 117.
46. P. Costa, *L'età delle rivoluzioni*, vol. II of *Civitas – storia della cittadinanza in Europa*, 4 vols. (Roma-Bari: Laterza, 2000), 431.
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*, 439.
50. Spirito, 'Il corporativismo come liberalismo assoluto', 790.
51. A. Volpicelli, discussion, in Ministero delle Corporazioni (ed.), *Atti del secondo convegno di studi sindacali e corporativi* III (Rome: Tipografia del Senato, 1932), 88.
52. Grossi, *Scienza giuridica italiana*, 7.
53. G. Maggiore, 'L'aspetto pubblico e privato del diritto e la crisi dello Stato moderno', *Rivista Internazionale di Filosofia del Diritto* 2 (1922), 141.
54. Maggiore, *La politica*, 301. More extensively: the state 'cannot obviously limit its own authority: everything which is good for its might, is permitted to it. There is no minimal or maximal activity, for the State: the whole of social and individual life belongs to it, and, theoretically, it cannot renounce organising it.'
55. *Ibid.*, 271.
56. Maggiore, 'La dottrina del metodo giuridico', 384.
57. G. Maggiore, 'Diritto penale totalitario nello Stato totalitario', *Rivista Italiana di Diritto Penale* 11 (1939), 155.
58. Maggiore, *La politica*, 13.
59. *Ibid.*, 75.
60. Maggiore, 'L'ordinamento corporativo nel diritto pubblico', *Il Diritto del Lavoro* 2 (1928), 192–3.

61. Maggiore, 'L'aspetto pubblico', 132.
62. *Ibid.*
63. See Costa, 'Widar Cesarini Sforza'.
64. W. Cesarini Sforza, 'Il problema dell'autorità', *Rivista Internazionale di Filosofia del Diritto* 20 (1940), 70–2.
65. Cesarini Sforza, 'Individuo e Stato nella corporazione', in *Il corporativismo come esperienza giuridica* (Milan: Giuffrè, 1942), 169.
66. Costa, 'Widar Cesarini Sforza', 1066.
67. Gentile, 'Fascismo identità', 274; Volpicelli, 'Dal parlamentarismo', 257.
68. Two recent studies have observed that corporatism, even though it never really determined the course of Italian political and economic life, had an actual influence which is more significant than the historiographical tradition believes. Those studies are S. Cassese, *Lo Stato fascista* (Bologna: Il Mulino, 2012), and A. Gagliardi, *Il corporativismo fascista* (Roma-Bari: Laterza, 2010).
69. S. Romano, discussion, in Ministero della Corporazioni (ed.), *Atti del secondo convegno di studi sindacali* III, 97.
70. About the reconstruction of this attitude of juridical science, and for related bibliographic suggestions, see I. Stolzi, *L'ordine corporativo – poteri organizzati e organizzazione del potere nella riflessione giuridica dell'Italia fascista* (Milan: Giuffrè, 2007), 424ff.

12

Love and recognition in Fichte and the alternative position of de Beauvoir

Marion Heinz

Introduction

The philosophical theories which are generally characterised by the name of 'German Idealism' are united in the task of overcoming the dualisms of Kant's critical philosophy – the oppositions of subject and object, theoretical and practical philosophy, *mundus sensibilis* and *mundus intelligibilis* – and thus furnishing a complete system of philosophy. These theories also share the idea that the principle underlying the entire system of philosophy must be developed in a way that preserves Kant's insight that the 'I think' is the highest point of reference for logic as a whole and indeed for transcendental philosophy itself. But whereas Kant's doctrine of the analytic and synthetic unity of apperception serves to ground theoretical philosophy alone, these Idealist thinkers seek to ground philosophy in its entirety upon a principle – a single principle – that exhibits the character of subjectivity, that is, of self-relating activity.[1] This programme for a monistic philosophy of subjectivity also provides the foundation for the theories of recognition that were developed by the philosophers of German Idealism. Fichte first introduced the notion of 'recognition' as the fundamental concept of social philosophy and the philosophy of right in his 1796 text *Foundations of Natural Right according to the Principles of the Wissenschaftslehre*,[2] and Hegel would present the most prominent and influential conception of recognition in his *Phenomenology of Spirit* of 1807, but in spite of the different philosophical foundations developed in each case[3] both thinkers agree that it is impossible to realise the true or actual self-consciousness of finite rational beings by starting from the basis of a *solus ipse*, and that, on the contrary, it is one's consciousness of other individuals, standing in a relationship of mutual recognition, which furnishes the indispensable presupposition for such self-consciousness. This

connection between the theory of subjectivity and that of intersubjectivity, so characteristic of the post-Kantian attempts to ground philosophy as system, reframes the field of practical philosophy – at least in Fichte's case – in comparison both to Kant and to the Enlightenment tradition of natural law theory. For now the contractual model that serves to ground rights and duties for natural law and also Kant's novel attempt to ground practical philosophy in a purely formal principle, the pure practical law of reason that categorically commands the law-like adoption of maxims, are both suspended, and the theorem of recognition provides the philosophical basis for determining right action and rational institutions.[4] Not only is it true that no *Ichheit* or 'I-hood' can be conscious of itself without the consciousness of other subjects, but the relations of these subjects to one another are for their part grounded in and defined by the structure of subjectivity. Just as identity and difference, universal and particular, are mediated in the structure of subjectivity as self-identifying and self-distinguishing I-hood, to express this in Hegelian terms, so this must also hold for the relation between the individuals who are defined by this structure. The subjects in question must be able to encounter one another as rational individuals, i.e. as equals, in such a way that at the same time they can preserve the distinction between the one and the other, i.e. can preserve their non-identity. If we focus specifically on Fichte here, this relation of recognition must be conceived as one between reciprocally communicating rational beings, as a relation in which such beings understand themselves both as a 'community' of reciprocally dependent equals and as free individuals who are 'distinguished from one another by opposition.'[5]

The Idealist theories of intersubjectivity thus provide the systematic framework of a social philosophy that is based upon the structures of identity and difference internal to subjectivity, and claims to represent a fundamental advance upon both the Hobbesian atomistic and the Aristotelian-teleological models of the social order. And this framework provides the context for the further elaboration of the Enlightenment discourse on gender that had developed in the course of bourgeois emancipation and the changes in social structure which accompanied it.[6] It is thus no accident that Rousseau's problematic of gender, which proved so virulent in the context of his critique of civilisation, and the novel theory of gender difference which he elaborated came to provide the principal theoretical point of reference for Idealist philosophy. The post-Kantian philosophers combined the Idealist programme of *Vereinigung* or 'unification' with a practical and political interest in securing a liberated and reconciled condition of humanity, an

interest that demanded careful consideration of the possibilities for realising the demands of reason within the sensible world. In describing their own time, and its forms of deformation and diremption, thinkers such as Friedrich Schiller and Wilhelm von Humboldt partly follow Rousseau, whose diagnosis of the losses entailed by the progress of civilisation is widely accepted: unhappiness, immorality, alienation from ourselves and our fellow human beings, are regarded as distortions of our natural endowment or potential which are produced by human beings themselves in the course of civilisation. For the post-Kantian generation of philosophers who wish to address this situation, of course, there is no longer any question of going back to nature as the source of norms for human action and a properly human social order. Schiller and Humboldt draw on the theoretical potential of Kant's *Critique of Judgement*, on the resources of aesthetics, or on the concept of organic nature, while Fichte develops a teleological story of the progressive realisation of morality that draws on Kant's theory of culture. Rousseau himself had presented the idea, on the basis of an anthropologically grounded moral philosophy, that it is necessary to establish an order of gender that is appropriate to nature if a society is to develop in which individuals stand in an authentic relationship to themselves and thus at the same time can relate through sympathy with others to the human species as a whole. And the post-Kantian philosophers take up this approach as well. Against the background of Rousseau's specific theory of gender difference, the opposition of the sexes and the unity between them appear as the anthropological counterpart to the idea of subjectivity and its determining moments. The loving union of the sexes should thus be understood as a potential that promises to facilitate the overcoming of alienation and diremption from the perspective of human history as a whole. The sexual relationship of man and woman thus comes, in other words, to represent speculative images of general reconciliation and simultaneously promises to vouchsafe the effective historical realisation to this ideal.

It was the Kant of the pre-critical period, 'set on the right path' by Rousseau, who first adopted these convictions, converted as he was to the image of the natural man who was happy by virtue of his few and simple needs (the 'cynical' image of man in the original sense of the word). On the basis of an ethics and an anthropology strongly influenced by aesthetic considerations Kant further developed Rousseau's theory of gender, and his widely disseminated work *Observations on the Feeling of the Beautiful and the Sublime* helped to gain acceptance for Rousseau's innovative views, for the idea of subjects sexually related to one another in a complementary manner,

and for the concomitant paradigm of a gender relation based on sentiment, on the feeling of love rather than on an essentially contractual agreement.[7] Wilhelm von Humboldt, as we have already indicated, attempted to present a theory of the cultural and educational development of the human being as individual and as species, a theory which has the love of man and woman at its centre. This relationship, according to Humboldt, allows us to overcome the oppositions of nature and reason within individuals and between the loving parties defined by this opposition, and to develop ourselves as a totality of human existence. In his philosophy of history and theory of the state Humboldt interprets this idea of love as a presentiment and presupposition of a self-perfecting humanity.

The later Kant of the *Metaphysics of Morals*, whose moral philosophy is based on a Platonic principle of practical philosophy, namely the idea of legislation on the ground of pure practical reason which grounds its own world beyond the realm of nature, is inevitably forced to distance himself from Rousseau's conception of marriage as a loving community of partners. The relationship of the sexes that is produced and determined by nature emerges in Kant's legal and political philosophy as a problem *sui generis*, the solution of which requires its own special form of right, a personal right with respect to things.[8] In the *commercium sexuale* the human being makes himself into a thing, and this conflicts with 'the humanity in his person'.[a,9] This conflict can only be resolved through a legal contract regarding the mutual relation of the partners 'as things' and legitimating the reciprocal use of their sexual organs. Kant's conception of marriage is egalitarian in character: both sexes are threatened by a loss of dignity, but through the reciprocal contract of marriage each becomes an object of possession of the other and at the same time each receives himself or herself back as a person, so that the sexual life of each party is made compatible with his or her dignity.

The problem which Kant articulates here, namely that the sexual character of human beings subjects them to a reification that undermines their dignity, also emerges as a problem for Fichte. He appeals not to the form of contract but to a relation of love that complements the relation of recognition, identifying this as a higher form of union that not only renders sexual relations compatible with human dignity but also permits us to reconcile the opposition between reason and nature in the human being more generally.

a. '[D]er Menschheit an seiner eigenen Person'. Immanuel Kant, *Werke in sechs Bänden*, ed. Wilhelm Weischedel (Wiesbaden: Insel, 1956–62), VIII, 390

The ways in which post-Kantian philosophy attempted to unite the inner subjective oppositions of reason and nature by recourse to the intersubjective connection between human beings of different sexes, who stand to one another in the relation of reason (man) and nature (woman), cannot be grounded in a contract between equals. Rather, it is the inner regulation of the comportment of individuals according to the norms of the masculine and the feminine as described in Rousseau's *Émile* that are supposed to facilitate the union of human beings in marriage as a preliminary form of ethical life (Fichte) or as a shape of ethical life (Hegel). The feminist rereadings of the canon have decoded the scandalous political subtext at work behind the pathos of appeals to love and the exaggerated ethical demands placed on marriage. For we are concerned here with a fundamental attack upon the egalitarian principles of the Enlightenment that results in the subordination of woman. By transferring the difference of reason and nature onto the difference of man and woman the Idealist thinkers once again position human subjects – in contradiction to the modern postulate of equality – within the familiar matrix of a different status in each case.

Beauvoir was the first to recognise the ideological character of these theories that create the illusory appearance of naturalness with regard to characteristics of gender. In order to diagnose the actual inequality and alienation between the sexes, and at the same time to develop the fundamental outlines of a humanistic feminism that undertakes to liberate both man and woman from the flawed forms of humanity defined by their supposed sexual characteristics, Beauvoir draws on the conceptual resources of Hegel's dialectic of lordship and servitude and appropriates this dialectic in the concepts of a feminist ethic: forced on the basis of her sexual-biological nature to participate in the reproductive cycle of sheer life, woman in previous history was prevented from even entering into the struggle for recognition, which is to say, was denied the status of a freely self-determining subject. This does not mean that it is simply impossible for woman to negate this actual historical circumstance, which is conditioned by a biological fact, and to constitute herself by a deed as subject, as this was possible for man, on the basis of his different sexual nature, already at the very beginning of the historical existence of the human species. On the contrary: the historical situation is defined by the fact that it falls to woman to pursue her self-liberation, and to unite this feminist engagement with the further political ambition to liberate humanity as such from forms of economic repression too.

The succeeding generation of feminists have subjected the traces of essentialism and naturalism that still reflect gender stereotypes in the work of

Beauvoir herself to severe and extensive criticism, and thus concluded that the philosophical foundations of this kind of feminist philosophy, rooted as it is in the tradition of the philosophy of subjectivity, are wholly inadequate for the pursuit of the feminist project. For in the eyes of post-structuralist theories of feminism the concept of rationally self-determining subjectivity, which previously served as the fundamental principle of philosophy and as a crucial means of legitimation, now appears itself as an effect of hegemonic discourse. Thus Luce Irigaray has attempted to reveal the origin of the theme of the self-determining subject in the phallocentric logic of European thought that is defined by binary oppositions, while Judith Butler has developed the concept of the heterosexual matrix of discourse in order to explain the production and reproduction of subjects who find themselves compelled to develop masculine or feminine identities defined in specific physical and psychological terms.[10]

The purpose of the following discussion is to investigate the particular gains and losses incurred by Fichte's attempt to reframe Rousseau's contributions in his own philosophical theory of gender in accordance with the underlying premises of his subjective idealism of freedom. On the one hand, we are concerned with questions about the inner consistency with which the premises of this system are applied to the 'community' involved in the gender relation conceived as a relation of human beings that is grounded in nature. On the other hand, we are also concerned with the question whether this gender discourse that was introduced by Rousseau can satisfy the postulates of freedom and equality formulated in the Enlightenment and the emancipatory aspirations that are involved here. Our analysis of the problems that arise from Fichte's doctrine of marriage in both these regards will lay the ground for an assessment of Beauvoir's alternative conception, which is based for its part on Hegel's theory of recognition.

1 Rousseau's innovative contributions to the philosophical theory of gender

In attempting to furnish a philosophical response to the conditions of human alienation and immorality, both in relation to oneself and to one's fellow human beings, as he had described them in his theory of culture, Rousseau undertakes in Book v of *Émile* to develop a new paradigm of the relation of the sexes by appeal to the teleological concept of nature that was entertained in antiquity. Like Plato and Aristotle in this regard, Rousseau is concerned to define the identity and difference between man and woman in order to

possess a criterion for how they may 'fill their place in the physical and spiritual order'.[11] The recognition that two perspectives are required here, one regarding the species and the other regarding the specific sex, provides the apparently trivial starting point and the basis for Rousseau's theory of gender. 'Sophie ought to be a woman as Emile is a man – that is to say, she ought to have everything which suits the constitution of her species [*espèce*] and her sex [*sexe*] in order to fill her place in the physical and moral order'.[12] By modifying the architectonic[13] of traditional logical and ontological concepts with regard to genus and species, essence and properties, Rousseau is the first thinker to explain sexual gender as the ground of difference itself, as something by which all human determinations – including the essential ones – are affected. 'A perfect woman and a perfect man ought not to resemble one another in mind any more than in looks, and perfection is not susceptible of more or less'.[14]

It is in this way that Rousseau 'invents' the bourgeois subjects of man and woman, bound to their biological nature and thus paradigmatically defined in their character as human beings and in their respective public and private roles. The peculiarity of the sexual character of man and woman must be determined from the perspective of the relative weight of species-specific and gender-specific attributes: whereas the man is man only at certain moments, the woman is woman in the whole of her life.[15] This is a new conceptual understanding of sexual difference, one which reproduces the classical image of man but, with respect to the conception of woman, involves a thorough and hitherto unprecedented sexualisation of her personality as a whole. Whereas the sexual attributes of the man possess a merely peripheral significance, those of the woman constitute the essential core of her nature as a person.

If this difference with regard to sexual character is translated into normative terms, it indicates essentially different kinds of perfection: 'As though each, in fulfilling nature's ends according to its own particular purpose [*destination particulière*], were thereby less perfect than if it resembled the other more!'[16] Rousseau's new systematic conception of the categorical distinctions between species-specific and gender-specific attributes is the decisive presupposition for asserting the equality, in the sense of the equal value, of the qualitatively different sexes. Rousseau succeeds in grounding the equal value of woman, and thus securing the validity of the modern postulate of the equality of all human beings, *precisely* through the invention of woman as an entirely sexualised being. This ability to be equal and equal in value as, and *only as*, a sexualised being is the double paradox of the philosophical construction of the character of woman, the rationally demonstrated

contradiction of an elevation by means of demotion. It is obvious that this postulate of the unreservedly equal value of man and woman removes the basis of the old concept of the household, which has come down to us from Aristotle, as an internally differentiated form of dominion hierarchically oriented to the role of the male. Rousseau reconceives the shared domestic community of marriage as a community of love and thus as a fabric of complementary relations of dominion. 'As her spouse, Émile also became her master. They must obey as nature has intended. If the woman is like Sophie, it is nonetheless good if the man is ruled by her. That is also the law of nature. In order to make her mistress over his [i.e Émile's] heart, just as his sex makes him master over her person, I have made you the judge of his desires.'[17] The constitutive relations of dependency between man and woman in their distinctive and complementary character are thus configured from the perspective of the difference between species-specific and gender-specific attributes, whose relative preponderance constitutes the sexual characteristics in each case: whereas the man as a *gendered being* is ruled by the erotic power of the woman, as a subject of right, i.e. as a subject of will, he is free; in the case of the woman the reverse is true: as a gendered, or more precisely as a sexual being, she is 'sovereign', but as a person she is unfree. Reflection upon the inner dynamic of these dependencies yields the idea of a dialectical history of the formation of the individual as a gendered being. Precisely insofar as the woman becomes the mistress of the man's desire she mutates into what is at once a gendered being and a child: she makes herself the object of man's desire and thereby forfeits the status of master over oneself, and thus the status of citizen in the full sense. And on the other side, the man who directs his instinctive and affective life into the channels of conjugal love is thereby liberated from rivalries and forms of self-alienation that spring from the sexual drive and can thus develop himself as a virtuous human being and citizen.

2 Recognition and love in the philosophy of Fichte

The concept of recognition in Fichte's Foundations of Natural Right

According to Fichte, the absolute I, the subject–object identity of the self-positing I, is the principle of philosophy as such, the principle from which the theoretical I, as limited by the non-I, is derived through a sequence of intermediate steps. Fichte's so-called subjective idealism is characterised by

a radicalisation of the Kantian doctrine of the primacy of practical reason. The limitation through the non-I which is constitutive for the theoretical ego – or in other words, nature as opposed to I-hood – can only be derived by necessity from the practical I. The practical I must posit the object over against itself as *resistance* in order to be able to strive, through an infinite process of approximation, for the freedom that is posited in the absolute I as an Ought. Fichte's attempt to overcome the dualism of nature and freedom through a monism of the I paradoxically depends at the same time on the persistence of this dualism.

In his text *The Foundations of Natural Right according to the Principles of the Wissenschaftslehre* Fichte is essentially concerned with providing a transcendental deduction of the concept of right, that is to say, with demonstrating this concept as the condition of the possibility of the self-consciousness of finite rational beings.[18] The self-reflective rational being necessarily ascribes a 'free efficacy' to itself, that is to say, necessarily understands itself as a power of willing: in order to be conscious of *itself* it must distinguish itself as subject from the object, i.e. distinguish itself as I from the non-I, by thinking its activity as restricted solely by itself, and thus as an essentially free activity. In thus positing itself as a being that acts effectively in accordance with self-posited ends, the I simultaneously presupposes the sensible world as the condition of possibility for concepts of ends in the first place, and thereby posits itself as cognition, which is to say, as determined by the object. But the self-consciousness of the I as pure unrestricted activity thereby appears to become impossible. Fichte's original solution to this problem – a solution which lays the foundation for the philosophy of intersubjectivity – is provided by the notion of *Aufforderung* or 'summons' which is introduced in the 'second theorem' (§ 3) of the text: 'The finite rational being cannot ascribe to itself a free efficacy in the sensible world without also ascribing such efficacy to others, and thus without also presupposing the existence of other finite rational beings outside of itself' (*FNR*, 29).[b] The summons addressed to one subject by another is the exemplary case of an *Anstoß* or 'impact' which signifies an enabling rather than a restriction of freedom insofar as this implies the subject's 'being-determined to be self-determining' (*FNR*, 31).[c] The free efficacy of the subject is itself the object once the latter has been adequately comprehended.[19] It is from the necessity of the summons as

b. 'Das endliche Vernunftwesen kann eine freie Wirksamkeit in der Sinnenwelt sich selbst nicht zuschreiben, ohne sie auch andern zuzuschreiben, mithin, auch andere endliche Vernunftwesen ausser sich anzunehmen.' *GNR* I, 340

c. 'Bestimmtseyn des Subjekts zur Selbstbestimmung.' *GNR* I, 342

the condition of the possibility of empirical self-consciousness[20] that Fichte infers the necessary fact of the existence of free rational beings outside of myself. The human being is thus essentially a communal or 'species-being' (*Gattungswesen*), that is to say, the human being 'becomes a human being only among human beings', and this concretely means that the human being must be raised or educated to become a human being.[21] Thus it is only a reciprocal relation of efficacy that can furnish the condition of self-consciousness. And Fichte identifies this relation as a relation of recognition from which the concept of right must then be derived.

According to Fichte's 'third theorem' the subject must distinguish itself from the rational being that it must assume outside and beyond itself, that is to say, it must posit itself as an 'individual' (*Individuum*). Fichte defines the concept of the individual in action-theoretical terms: the subject constitutes itself as an individual with regard to its own sphere of efficacy by determining itself to action within the sphere of efficacy itself that is assigned to it through the 'summons'. Thus Fichte writes: 'The subject determines itself as an individual, and as a free individual, by means of the sphere within which it has chosen one from among all the possible actions given within that sphere; and it posits, in opposition to itself, another individual outside of itself that is determined by means of another sphere within which it has chosen' (*FNR*, 41).[d] Fichte derives the rational character of both relationships from the necessity of the summons; and this connects not only the thought of material freedom, i.e. efficacy according to self-posited ends, but also the thought of the self-limitation of its material freedom through the 'concept of the subject's (formal) freedom' (*FNR*, 41).[e] Through the summons, therefore, each rational being posits the other as a free rational being that determines itself to efficacy through its determined ends, and each member that stands in this relation of summons by positing the end of another free and rational being posits itself as a being that limits its own sphere of efficacy through this end. And this yields the concept of 'right' as the idea of the self-limitation of the sphere of material freedom through the end of the formal freedom of other rational beings.[22] The thought of right is a necessary thought for finite rational beings; for Fichte however, unlike Kant in this regard, the principle of right is not an unconditional command of pure practical reason. Finite

d. 'Das Subjekt bestimmt sich als Individuum, und als freies Individuum durch die Sphäre, in welcher es unter den, in ihr gegebenen möglichen Handlungen eine gewählt hat; und sezt ein anderes Individuum ausser sich, sich entgegen, bestimmt durch eine andere Sphäre, in welcher dieses gewählt hat.' *GNR* I, 350

e. 'Begriff von der (formalen) Freiheit des Subjekts'. *GNR* I, 351

rational beings must think of themselves as beings that stand to others in relations of right. They must conduct themselves according to the principle of right only under the condition that they enter into relation to other finite rational beings by whom in turn they are recognised as rational beings. The application of the principle of right is consequently demanded in a merely hypothetical fashion.[23]

Fichte's conception of love and marriage

Now if it is nature, with regard to the community of the sexes, which renders a relationship between human beings necessary,[24] then we must explain how this can nonetheless be brought into harmony with the freedom of human beings. Like Kant, Fichte also identifies a contradiction between reason and the sexual drive, but with this crucial difference: Fichte believes it is woman alone, rather than the human being as such, who is burdened with this contradiction. Fichte grounds his view in a conception of natural teleology that continues the Aristotelian tradition: 'The specific determination of this natural arrangement is that, in the satisfaction of the sexual drive or in the promotion of nature's end (in the actual act of procreation) the one sex is entirely active, the other entirely passive' (*FNR*, 266).[f,25]

If these natural determinations are applied to the rational nature of the human being, we find ourselves confronted with a crude and emphatic difference between man and woman. For while the natural dimension of the male sex, qua self-active principle, corresponds to the rational nature of the human being, the passivity of female nature stands in strict contradiction to reason.[26] If the positing of ends is the expression of reason and the means of realising freedom in the sensible world, then passivity considered as an end would entirely eliminate reason itself.

This contradiction, which is presented as definitive for woman, makes it necessary to ground marriage as a social form that is *sui generis*. The problem is how to ground a community of human beings that prima facie must itself be defined through contradictory relations: on the one hand, through a relation of subordination that derives from nature – the woman is an object of masculine power – and, on the other hand, through a relation of equality from the moral perspective that derives from reason.[27] Fichte resolves this problem by introducing a new concept of marriage as a community of love which is

f. 'Die besondere Bestimmung dieser Natureinrichtung . . . , daß bei der Befriedigung des Triebes, oder Beförderung des Naturzwecks, was den eigentlichen Akt der Zeugung anbelangt, das eine Geschlecht sich nur thätig, das andere sich nur leidend verhalte'. *GNR* II, § 2, 97

superior to the statically conceived relation of recognition thematised in the philosophy of right insofar as the former can be entrusted both with ethical cultivation of individuals to become whole human beings and with the moralisation of humanity itself.[28] The starting point for this dynamic process is woman as the living contradiction between nature and reason: only if this contradiction is successfully overcome can the relationship between the sexes be brought into harmony with their rational nature. Fichte describes this solution to the problem as follows: 'woman cannot surrender to sexual desire for the sake of satisfying her own drive. Since she must nevertheless surrender herself on the basis of some drive, this drive in her can be none other than the drive to satisfy the man' (*FNR*, 269).[g] On Fichte's assumptions, this end is compatible with both nature and reason, and can thus legitimately be pursued: 'She maintains her dignity – even though she becomes a means – by freely making herself into a means, on the basis of a noble, natural drive, that of *love*' (*FNR*, 269).[h] Fichte sees no problem in this group of human beings making itself into a means for satisfying others in the sexual act, and indeed, astonishingly enough, regards this act as an assertion of the dignity of woman. Love is not something that can be deliberately produced, but is something that emerges in a spontaneous and involuntary fashion. The dignity of woman in the context of sexual association thus springs from a gracious nature that purifies the crude drive of love, that is to say, sublimates her biological and sexual passivity through surrender to another, to the man.[29]

And since this surrender of the body implies the surrender of the person, marriage cannot be interpreted as a 'contract'. Paradoxically, therefore, the self-assertion of the woman as a rational being requires the complete renunciation of her personality, as the sum of all rights, in relation to the man she loves. For if – so Fichte reasons – the woman were to hold something back from the man, this would mean that she valued that more highly than what she has surrendered; but since qua loving wife she gives herself over as personality, she would demean herself as a person by any such holding back. Fichte continues:

> Her own dignity rests on the fact that, as surely as she exists and lives, she belongs completely to her husband and has unreservedly lost

g. '[D]as Weib kann überhaupt sich nicht hingeben der Geschlechtslust, um ihren eigenen Trieb zu befriedigen; und da es sich denn doch zufolge eines Triebes hingeben muß, kann dieser Trieb kein anderer seyn, als der, den Mann zu befriedigen.' *GNR* II, § 4, 100

h. 'Sie [die Frau] behauptet ihre Würde, ohnerachtet sie Mittel wird, dadurch daß sie sich freiwillig, zufolge eines edlen Naturtriebes, des der *Liebe*, zum Mittel macht.' *GNR* II, § 2, 100

> herself to and in him. What follows from this, at the very least, is that she cedes to him her property and all her rights and takes up residence with him. . . . She has ceased to live the life of an individual; her life has become a part of his. (*FNR*, 271)[i]

The woman who follows the noble natural drive of love gives her person over with her body – and the body has already been deduced as the entire sphere of the free efficacy of an I, the sphere through which the individuality of finite rational being is defined. The loving wife's express renunciation of the capacity to exercise rights which belong to the unmarried woman in almost the same measure as they do to the man is therefore simply the external confirmation of the self-sacrifice that has already inwardly been accomplished. This entails no contradiction as far as Fichte's system is concerned since right cannot command categorically but only hypothetically.[30]

This *complete* surrender of the woman to *one* man is the starting point and the necessary condition for the emergence of marriage as a 'perfect union of two persons of each sex that is grounded upon the sexual drive and has itself as its own end' (*FNR*, 273).[j] While the woman renounces a sphere of action that consists in positing ends of one's own, she receives herself back as a being that can pursue ends insofar as her beloved husband magnanimously makes her ends into his own.[31] Insofar as the man is considerate of the wishes of the woman he sustains and promotes her love; insofar as he modifies his own ends in favour of the woman he surrenders himself too and in the love of the woman receives himself back as a subject of will.[32] In the ideal case, the relationship with the partner can reach the point where 'the exchange of hearts and wills is complete' (*FNR*, 272).[k] Each party loses and finds itself in the other, so that the united parts complete one another as a whole human being from the moral perspective too: they are *complimenta ad totum*, not already independently as such, but only through the different – active or passive – relationship to one another in each case. In contrast to the relation of recognition in the context of right, the individuals in the relation of love do not constitute themselves through limiting their sphere of efficacy *uno actu* with the summons to self-determination that comes from the other. Rather,

i. 'Ihre eigene Würde beruht darauf, daß sie ganz, so wie sie lebt, und ist, ihres Mannes sey, und sich ohne Vorbehalt an ihn und in ihm verloren habe. Das Geringste, was daraus folgt, ist, daß sie ihm ihr Vermögen und alle ihre Rechte abtrete, und mit ihm ziehe . . . Sie hat aufgehört, das Leben eines Individuum zu führen; ihr Leben ist ein Theil seines Lebens geworden.' *GNR* II, § 6, 102

j. '[V]ollkommene Vereinigung zweier Personen beiderlei Geschlechts, die ihr eigener Zweck ist.' *GNR* II, § 8, 104

k. '[D]ie Umtauschung der Herzen und der Willen . . . vollkommen [wird].' *GNR* II, § 7, 103

they constitute themselves by uniting their spheres of efficacy – as they do their bodies – and this unification, which stands under the primacy of the man, becomes the source of an enriched individuality in which each party can borrow something from the other form of human existence and thus develop itself into a whole human being: the moral character of the woman becomes rational, and that of the man becomes natural, for love and magnanimity relate to one another as a natural and a rational view upon morality.

Just as marriage accomplishes a development from nature to morality, so too marriage promotes the moralisation of humanity in the historical world. Following Rousseau here, Fichte claims that the re-establishment of a natural relationship between the sexes is the only possible way to lead the human species towards virtue by starting from nature: there can be no moral education except from this point.[33] Since love is essentially a unity of reason and nature, it can furnish the starting point for completing and perfecting the human being by overcoming these oppositions in relation to the individual and humanity alike.

An evaluation and critique of Fichte's doctrine of love and marriage

The view that Fichte has uttered the 'saving word' that has banished the rationalistic and Enlightenment conception of marriage as a contractual relation based on external ends of one kind or another (*propagatio prolis*, *extinctio libidinis*, *mutuum adiutorium*) has certainly been defended.[34] But feminist philosophy has vehemently challenged such an idea. If the measures developed to defend the value and dignity of woman require their sexual, legal and political subjection, then we are dealing with sheer hypocrisy, for the fundamental postulate of equality has been violated both in the exposition of the problem and in the proposed solution.

The question immediately posed from the perspective of the critique of ideology is this: how can Fichte's philosophy, which is based upon the principle of I-hood and the primacy of practical reason, appeal to nature to justify this inequality? For the 'fundamental defect' of woman, the assertion of which creates the problem and at the same time anticipates the form of its solution, is the sexual nature of woman which Fichte judges to be 'the most repulsive and disgusting thing that there is in nature'.[l] The sexual nature of woman is repulsive and abhorrent, as we have observed, insofar as it contradicts the rational nature of woman. That a contradiction between two

l. 'Grundübel . . . das widrigste, und ekelhafteste, was es in der Natur giebt'. J. G. Fichte, *Das System der Sittenlehre*, 289

different kinds of 'subjects' – namely between reason and the body – arises through the categories of *actio* and *passio* presupposes the definition of the body as the 'instrument' of reason and freedom, and thus also a teleology which embraces ends of nature and ends of freedom. The teleology which Fichte develops in the *Sittenlehre* of 1798 cannot be interpreted either as a realist doctrine in the style of dogmatic metaphysics or as a projection of principles onto objects that is grounded in the subjective principle of judgement, as Kant had argued in his third *Critique*. Since in Fichte's monistic system there is no hiatus between nature and freedom, between *mundus sensibilis* and *mundus intelligibilis*, and since on the contrary the possibility of uniting both spheres under the primacy of practical reason is supposed to be demonstrated as possible and necessary, the teleology of nature can be grounded on the demands of praxis, and this is supposed to secure knowledge of a complete system of all ends. The contradiction we have identified involves a deeper contradiction within nature itself since the necessary means for attaining the natural end of propagation contradicts the essential character of nature as a means for realising freedom. This compels Fichte to characterise the female drive itself as 'impossible'[m] and to demand that we modify our conception of this drive. The nature which is expedient for attaining the final end of humanity must be conceived in such a way that the female sexual drive can be ennobled[35] in order to become compatible with reason while still being able to serve the original end of propagation. Love is the feeling in which this ennobled drive comes to consciousness, the feeling that 'saves' the system of ends of nature and reason since it is itself 'nature and reason in their original union'.[n]

This solution is supposed to avoid the aforementioned contradictions by conceiving one term of the opposition, namely nature, as itself mediated by the other, to express this in a Hegelian way. But Fichte thereby disrupts the inner systematic structure of his *Doctrine of Science*, for no internal principle of a spiritual kind can be ascribed to nature if the latter is understood simply as an obstacle to praxis that remains to be overcome and as the 'material' for the exercise of duty. Thus Fichte writes: 'Nature possesses no peculiar principle of its own, but is merely the resulting and emphatic reflection of the absolute freedom in each of us'.[o]

m. '[U]nmöglich'. *Ibid*.
n. '[R]ettet . . . Natur und Vernunft in ihrer ursprünglichsten Vereinigung'. *Ibid*., 288f.
o. 'Die Natur hat in sich durchaus kein eigenthümliches Princip, sondern sie ist bloß der sich selbst ergebende und auffallende Widerschein der absoluten Freiheit in einem Jeden.' J. G. Fichte, 'Einleitungsvorlesungen in die Wissenschaftslehre' (1813), in *Fichtes Werke*, 11 vols. (Berlin: De Gruyter, 1971), IX, 1–102, 22

The conception of marriage as a moral union undoubtedly corresponds to the fundamental idea behind the Fichtean system – namely that a monistic philosophy of freedom can only be established and the dualism of nature and freedom effectively overcome through an ethical relationship to a non-I that promotes my own freedom, that is to say, one that presents itself as *alter ego*. The I is at home with itself in the Other, and the Reason that is dispersed as a result of nature, of the body, amongst a multiplicity of individuals establishes the unity of reason in an ethical community of free spirits through the inner harmonisation of wills and actions.

But this doctrine of marriage also demonstrates that the I which stands in relation to another I is not merely exposed to self-limitations of freedom that derive from the demands of other rational beings, but that nature, understood as a 'check' or 'impact' or *Anstoß*, equally makes itself felt in the sphere of intersubjectivity itself. Fichte interprets the female sexual drive as a natural given that limits freedom and which can only be harmonised with reason at the cost of tacitly accepting a principle of spiritualised nature that does not fully cohere with his system, a harmonisation that is not regarded as attainable simply through ethical praxis itself. The conception of the sexual nature of woman thus represents the ultimate presupposition of the dualism of nature and reason for a monistic system of freedom: practical freedom must oppose itself to nature if freedom is to realise itself by overcoming this resistance on the part of nature. As far as the early form of Fichte's *Doctrine of Science* is concerned the natural and the moral dimension of marriage thus stand for this duplication of the possibility and impossibility of uniting these oppositions.[36]

In Fichte's teleology of nature and freedom, the contradiction between an end of nature and an ultimate end of human beings – a contradiction posed by the female sex itself – cannot be resolved by the conceptual means available to his system. But at the same time this opens up a systematic perspective that points beyond this position, a perspective that can be interpreted both as a recourse to Kant's aesthetic thought and as an anticipation of Hegel's system. Since only nature is capable of establishing the true union of man and woman, the latter is not something simply at our own disposal and for that very reason is the tenderest form of relation amongst human beings. It is no accident if this specifically recalls Kant's idea of the beautiful: in the context of love human beings experience themselves in relation to other human beings as a unity of the oppositions that determine them, a unity in which the instrumental relation of reason to nature – within each of the partners as well as between them – is ideally transformed into a free relationship. Such

a connection between human beings is governed neither by the necessity of nature nor by that of pure practical reason, but is rooted in an uncalculated and unmerited 'favour' or *Gunst*.

3 De Beauvoir's quasi-Hegelian alternative to Fichte

The fatal consequences which Fichte's exposition of the opposition between sexuality and reason and his own attempted solution to the problem present for the concept and the status of woman are emphatically revealed in the light of de Beauvoir's theory of the sexes.

Fichte reduces and demotes not merely woman in her role as wife, but woman as such. For Fichte, as for Rousseau before him, woman is essentially defined by her sexual nature, and her consciousness is wholly characterised by 'feeling' in opposition to the kind of conceptual thought that is the authentic expression of reason.[37] It is with this claim regarding the sexualised nature of woman that philosophers invented the myth of the 'Eternal Feminine' in which woman is imagined as an expression of *dreaming nature*. This myth involves the idea of a 'compromise formation' in which woman is projected as at once the ideal and inferior counterpart of the man. Thus on the one hand she is permitted a harmonious unity with nature, while the man is defined by divisions that diminish him. On the other hand, the woman is inferior because – independently of the actual form taken by the natural sexual drive – she cannot achieve parity with the man; her essential lack of autonomy is precisely manifest in her inability to escape the determinants of her natural constitution by an act of her own, and in the consequent necessity that she should make herself dependent on the magnanimity of another. De Beauvoir's perspective here, schooled in psychoanalysis as it is, deciphers this idea of the woman as an ideal projection of masculine 'Reason': in the fantasy of woman as dreaming nature the man imagines a companion who is at once equal and subject to him, imagines the paradox of a controllable *alter ego*.

In opposition to this 'myth of the Eternal Feminine' de Beauvoir insists on the historical process through which the relevant sexual characteristics have come to be defined as they are, an insight that finds pregnant expression in her often cited dictum that 'one is not born, but becomes, a woman'.[38] The stratification of society through the category of gender understood in a Rousseauian way is a historical fact that continues to define the contemporary situation, and one that is to be contested and changed since it can be justified neither by nature nor reason. The feminist and humanist project of

de Beauvoir is precisely to explain how this conception has come about and to develop possible ways of liberating us from it, a project that in its way takes up the 'old' emancipatory and egalitarian discourse of the Enlightenment.

De Beauvoir describes the one-sided and historically produced forms of male and female humanity in the following way: while the man has not succeeded in integrating his corporeality as the natural dimension which threatens his status as a subject, and thus splits this dimension off from himself, seeking to externalise it in the form of woman as 'dreaming Nature', the woman has not yet attained the status of subject in the first place. What specifically requires explanation in de Beauvoir's view is why woman has been defined and realised in terms of immanence, that is to say, as the Other of male transcendence which lacks the status of subject, or as the object of the male subject. The splitting of humanity into the respective sexes understood in this way is for de Beauvoir neither a simply contingent historical event nor a consequence of immutable facts or fixed essential features. The biological differences of the sexes certainly play the decisive role as far as the reconstruction of the beginning of human history is concerned,[39] but in order to explain the entrenchment and persistence of patriarchy it is necessary in the primary instance to return to and explore the structures involved in subjectivity itself. De Beauvoir recognises, with Hegel,[40] that a fundamental hostility towards every other consciousness lies within consciousness itself: 'The subject can be posed only in being opposed – he sets himself up as the essential, as opposed to the other, the inessential, the object'.[41] In order to become conscious of itself, the subject must distinguish itself from what is other than itself, and thus posit something as the other of itself, as object. Once this is perceived as something posited through and for consciousness, the subject asserts itself as the essential and makes the object into the inessential. Although this conflict within consciousness is necessary for the subject, it also proves disturbing and distressing: the experience of lack and disturbance are constitutive for the life of consciousness. It is only the relationship of mutual recognition between autonomous subjects that can promise peace and fulfilment in this regard. But the relation between the I and Other as such also simultaneously implies the threat of reification: the fact that the subject inevitably becomes an object through its relation to another consciousness or *alter ego*, involves the possibility that one's own claim to essential status may have to yield before the superior power of the Other, thus resulting in a relation of domination and servitude. But in addition to this, one's own subjectivity is also intrinsically exposed to the danger of renouncing itself as the essential in relation to the *alter ego*, insofar as the subject understands itself

in the terms of the way it is defined by the Other. This tendency to flee into self-alienation, a tendency internal to the subject itself, has its origin in the anxiety before being free as such that is linked to freedom. But if it ever proves possible, in the relation to the Other, that 'each [simultaneously posits] both itself and the Other as object and as subject in a reciprocal movement',[42] *this* establishes a relationship of reciprocal recognition in which the subjects are realised and restored to themselves through being at home in the Other, thereby replacing conflict and struggle with reconciliation.[43]

True liberation is only possible if the productive existential result of unfreedom, including the anxieties created by the losses involved, is brought to light through close and searching analysis. It is not only the woman, but the man as well who represents a deficient form of freedom: insofar as the striving for recognition is still bound up with permanent conflict and struggle, with endless subjection to the dialectic of domination and servitude, the man seeks, as we have seen, to flee this restless predicament. He dreams of a certain 'rest in restlessness'. As de Beauvoir puts it: 'This embodied dream is, precisely, woman; she is the perfect intermediary between nature that is foreign to man and the peer who is too identical to him.'[44] Once we consider the man's relationship to his own nature, to the body, the deeper reasons for this absolutisation of the male subject, which is harboured in the structure of consciousness, can be revealed: as a sexual being the man here encounters, according to de Beauvoir, the abyssal ambivalence of his own being. However much the man may succeed in making the nature outside him and his own body into the means and instrument of his activity and self-assertion, he still inevitably discovers himself, through his sexuality itself, as passivity, finds himself determined as nature and animal life. This Other of himself, which threatens his own subjectivity and may on no account be admitted, though it simultaneously belongs to him as his own, is externalised in the form of woman, and thus becomes something that can be grasped and controlled. If the man attempts to flee from nature, the woman attempts to escape from her freedom.

Concluding remarks

De Beauvoir's alternative to the Idealist theories of gender operates with the Hegelian theme of recognition, which she employs on the one hand as a diagnostic means for reconstructing the history of the subordination of women, but which she also reads as the normative anticipation of a strictly reciprocal relationship between the sexes. According to Fichte, in contrast,

it is impossible for man and woman to recognise one another reciprocally as sexual beings; instead of such an egalitarian relationship, grounded in reason, his philosophy proposes a community of love that is grounded in nature, where the woman must begin by turning herself one-sidedly into a part of the man's life. This incorporation of the woman's life is supposed to be the starting point for a further development within marriage, where the individuals concerned receive themselves back enriched in each case by the respective Other of themselves.

According to de Beauvoir, both the starting point and the telos of a relationship between man and woman conceived in this manner are basically wrong: if men and women are to encounter one another as human beings in a free relationship of equals, then the previous one-sided, reduced and mutually alienated forms of human existence must be changed and completed through a process of self-liberation. Authentic selfhood in the tensions and difficulties of an intersubjective relationship of freedom and facticity can only be accomplished through the exercise of choice and decision in each individual case, and cannot simply emerge from an intersubjective relation in a merely spontaneous fashion.

Translated by Nicholas Walker

Notes

1. Cf. Ludwig Siep, *Praktische Philosophie im Deutschen Idealismus* (Frankfurt am Main: Suhrkamp, 1992), 67.
2. Cited here as *GNR* I = *Grundlage des Naturrechts nach Principien der Wissenschaftslehre*, in *J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften*, ed. R. Lauth and H. Jacob, vol. I/3 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1966), 313–460, and *GNR* II = *Grundlage des Naturrechts nach Principien der Wissenschaftslehre* II: *Angewandtes Naturrecht*, in *ibid.*, I/4, 1–165. English translation *Foundations of Natural Right*, ed. and trans. Frederick Neuhouser and Michael Baur (Cambridge: Cambridge University Press, 2000) (hereafter *FNR*).
3. On the different approaches adopted by Fichte and Hegel with regard to the principle of subjectivity, cf. Jürgen Habermas, 'Arbeit und Interaktion. Bemerkungen zu Hegels Jenenser *Philosophie des Geistes*' in *Technik und Wissenschaft als Ideologie* (Frankfurt am Main: Suhrkamp, 1968).
4. Cf. Siep, *Praktische Philosophie*. Siep argues that this is also the case for Hegel.
5. *Ibid.*, 52. The citations from Fichte are drawn from *GNR* I, 349.
6. In terms of a theory of modernity oriented to Habermas, Sabine Doyé has interpreted the philosophical theories of gender developed under the influence of Rousseau as ways of legitimating the social order that appeal to pre-modern theoretical resources. From the perspective of the 'dialectic of enlightenment' such an appeal cannot indeed simply be

regarded as an anachronism. Thus the recourse to nature as a source of normativity that attempts at rational grounding must already presuppose should rather be interpreted as a (miscarried) response to the deficiencies of a rationality that has become merely subjective. Cf. Sabine Doyé, 'Einleitung', in Marion Heinz and Sabine Doyé (eds.), *Geschlechterordnung und Staat: Legitimationsfiguren der politischen Philosophie (1600–1850)* (Berlin: Akademie, 2012).

7. For further discussion of this issue, cf. Marion Heinz, 'Das Gegenverhältnis der Geschlechter: zur Geschlechtertheorie des vorkritischen Kant', in J. Hoffmann and A. Pumberger (eds.), *Geschlecht-Ordnung-Wissen: Festschrift für Friederike Hassauer zum 60. Geburtstag* (Vienna: Praesens, 2011).
8. Cf. Adam Horn, *Immanuel Kants ethisch-rechtliche Eheauffassung*, ed. M. Kleinschneider, with an afterword by Hariolf Oberer (Würzburg: Königshausen & Neumann, 1991) and Wolfgang Kersting, 'Immanuel Kant: vom ästhetischen Gegenverhältnis der Geschlechter zum rechtlichen Besitzverhältnis in der Ehe', in Heinz and Doyé (eds.), *Geschlechterordnung und Staat.*
9. Immanuel Kant, *Metaphysics of Morals*, introduction by Roger Sullivan (Cambridge: Cambridge University Press, 1996), 427.
10. Cf. Friederike Kuster, 'Kontroverse Heterosexualität', in S. Doyé, M. Heinz and F. Kuster (eds.), *Philosophische Geschlechtertheorien: ausgewählte Texte von der Antike bis zur Gegenwart* (Stuttgart: Reclam, 2002).
11. Jean-Jacques Rousseau, *Emile, or On Education*, trans. Allan Bloom (New York: Basic Books, 1995), 357.
12. *Ibid.*
13. There are essentially two conceptual innovations involved here: (1) the ontological difference in status between essence and attributes or accidents is levelled down; and (2) no definition of the essence of the human being is provided in this connection. For further discussion of these issues, cf. Heinz and Doyé (eds.), *Geschlechterordnung und Staat.*
14. Rousseau, *Emile*, 358.
15. *Ibid.*, 361f.
16. *Ibid.*, 358.
17. *Ibid.*
18. See *GNR* I, § 1.
19. Cf. Christoph Binkelmann, *Theorie der praktischen Freiheit. Fichte – Hegel* (Berlin and New York: De Gruyter, 2007), 114.
20. Cf. Axel Honneth, 'Die transzendentale Notwendigkeit von Intersubjektivität', in Jean-Christophe Merle (ed.), *Johann Gottlieb Fichte: Grundlage des Naturrechts*, Klassiker Auslegen 24 (Berlin: Akademie, 2001), 63–80, for a discussion of the question whether the priority of this fact implies that Fichte has already renounced the idea of monological reason in favour of the primacy of other rational beings over the solitary achievements of self-consciousness.
21. Cf. *GNR* I, 347; *FNR*, 37.
22. *Ibid.*, 30.
23. Cf. Siep, *Praktische Philosophie*, 1992, 74.
24. Cf. Johann Gottlieb Fichte, *Das System der Sittenlehre nach den Principien der Wissenschaftslehre*, in *J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften*, ed. R. Lauth

and H. Gliwitzky, vol. 1/5 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1977), 1–317, at § 27.

25. Fichte discusses organic nature in the context of his doctrine of right in order to deduce the human body as the sort of appearance within the sensible world that is necessary for reciprocal recognition of one another as rational beings. And here Fichte makes emphatic use of the Kantian doctrine of the natural product or the end of nature which was first presented in the *Critique of Judgement* (cf. *GNR* II, § 6; *FNR*, 271). But in contrast to Kant, for Fichte the teleological order of nature is not merely a projection of purposiveness as a purely subjective principle of the faculty of judgement upon the object 'nature'. Fichte believes that it is possible to cognise a priori the 'fit' between nature – which is transcendentally possible through the achievements of subjectivity – in its objective and theoretically identifiable ends and the posited ends of the subject. Fichte develops this idea further in his *Sittenlehre* of 1798. Cf. Peter Rohs, *Johann Gottlieb Fichte* (Munich: Beck, 1991).
26. Cf. *GNR* II, § 3, 97f; *FNR*, 266f.
27. Cf. *GNR* II, 98f.; *FNR*, 266f. Marriage must be deduced as a 'natural and moral association' and this deduction 'is necessary in a doctrine of right, so that one will have some insight into the juridical propositions to be established later' (*GNR* II, 95; *FNR*, 264). In §§ 1–4 Fichte discusses marriage as a natural association; and in §§ 5–9, as a moral association.
28. Cf. Fichte, *Das System der Sittenlehre* § 27.
29. Cf. *ibid.*, 289.
30. Cf. *GNR* I, 359f.
31. *Ibid.* II, § 7, 103f.; *FNR*, 272. This process of losing and finding oneself in the other also represents a form of self-perfection: the woman presents herself from a moral perspective as a whole human being insofar as she integrates the morality proper to the man, namely 'magnanimity', into her own being. If we understand magnanimity as 'conscious sacrifice in accordance with concepts' ('Aufopferung mit Bewußtseyn und nach Begriffen') (*GNR* II, § 7, 103; *FNR*, 271), this implies that the feeling of love as natural and non-reflective surrender to another is completed by duty produced through reason (cf. *GNR* II, § 7, 102ff.; *FNR*, 271ff.)
32. This relationship also implies a self-enriching experience for the man himself: the masculine heart opens itself to love, 'to a love that gives of itself without restraint, and loses itself in its object' ('der sich unbefangen hingebenden, und im Gegenstande verlornen Liebe') (*GNR* II, § 7, 103; *FNR*, 272).
33. Cf. *GNR* II, § 7, 104; *FNR*, 273.
34. Cf. Stephan Buchholz, 'Recht, Religion und Ehe: Orientierungswandel und gelehrte Kontroversen im Übergang vom 17. zum 18. Jahrhundert', *Ius Commune*, special volume 36 (Frankfurt am Main: Max-Planck-Institut für europäische Rechtsgeschichte, 1988), 424f., 432f.
35. Cf. Fichte, *Das System der Sittenlehre*, 289ff.
36. I am indebted to Dr Christoph Binkelmann for some valuable observations in this regard.
37. *GNR* II, 99, 135.
38. Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevallier (London: Jonathan Cape, 2009), 293.

39. For de Beauvoir the decisive factor here is the capacity for childbearing which binds the woman into the eternal selfsame cycle of natural processes. This is the reason why the woman has not yet succeeded in realising herself as a free being, a being capable of self-transcendence that can project a new future.
40. G. W. F. Hegel, *Phänomenologie des Geistes*, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), III, 145ff.; *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1979), 111ff.
41. de Beauvoir, *Second Sex*, 7.
42. *Ibid*., 163.
43. The Other that is posited by the masculine subject in the first instance is the external nature which the subject appropriates for itself, that is to say, which the subject consumes and thus destroys. Through this assimilation of nature the subject certainly asserts itself as the essential term, but since it does not thereby find itself confirmed in its freedom through another consciousness, it inevitably falls back into the empty immanence of its own consciousness.
44. *Ibid*., 103.

13

Hegel's concept of recognition and its reception in the humanist feminism of Simone de Beauvoir

Sabine Doyé

Hegel's theory of recognition stands at the centre of a debate whose ultimate aim is to find a categorical basis for a critical social theory. Hegel's theory of recognition enables later theorists to construct a concept of intersubjectivity for a theoretical programme that is not limited to the boundaries of empirical and descriptive science.

It is the young Hegel from the Jena years whose concept of recognition can be utilised in this way. Of course, this concept frames an issue that was also central for the mature Hegel, that is, the critique of the atomistic assumptions, coming mainly from Hobbes, of the social philosophy of his time. As early as the 1807 *Phenomenology*, this concept is developed with the clear intention of founding a subject-centred philosophy of reason, which reaches its completion in the *Phenomenology* at the level of 'absolute knowledge' (*das absolute Wissen*).[1]

Characteristic of this philosophy of reason, as it appears from the critical distance provided by post-Idealist thought, are the intellectualist distortions caused by an exclusive focus on the logic of the subject–object relationship. This concentration ultimately means that understanding between subjects is seen purely as an achievement of a self-oriented subject. The critical reception of this philosophical tradition by feminist philosophy decodes its gender-specific subtext and sees it as an expression of androcentric illusion. This insight interprets what, particularly from a post-modern point of view, is the definitively and fundamentally repressive nature of the modern concept of reason, in terms of binary gender definitions.

Of course, it is the methodological machinery involved in the process of *phenomenological experience* that allows the Hegel of the *Phenomenology* to structure his early criticism of contemporary subjective idealism so that Kant and Fichte's philosophical assumptions, which seem to him to

preserve the atomistic thought patterns of modern social philosophy, can be incorporated as necessary steps in the experience of consciousness. The dialectical method is what brings Spirit's journey (*Bildungsgang des Geistes*) to the stage at which, in the chapter 'Self-Consciousness', the movement of recognition is directed into the master/slave dialectic. It is this chapter that has had such a decisive influence on leading schools of thought in the twentieth century, particularly because of its refusal to stay within narrow disciplinary limits (considerations of practical philosophy are brought to bear on epistemological questions, and these claims in turn are supported with evidence from social history). Georg Lukács wished to appropriate the key role of the slave who frees himself through work for Marxist ends, and existentialism made use of Alexandre Kojève's interpretation to appropriate the attitudes of the master, which were also of central importance for the presuppositions of Simone de Beauvoir's *The Second Sex*.[2]

From the point of view of social theory's interest in the idea of inter-subjective understanding and its traces in the concept of recognition in Hegel's early Jena writings, these illustrious theoretical developments offer little direct encouragement: they simply continue the logocentric premises which Hegel subscribed to in his turn to the philosophy of consciousness, a turn which had already been completed by the time the *Phenomenology* was written.[3] Even Simone de Beauvoir's humanist feminism leaves itself open to criticism from later feminist philosophy, which sees Beauvoir's gender-theory-driven reading of the master/slave dialectic as a mere affirmation of unexamined androcentric assumptions that are definitive of Idealist philosophy as a whole.[4]

In Hegel's pre-phenomenological writings of the Jena period,[5] the topic of recognition is discussed in the context of a concept of ethical life (*Sittlichkeit*) which encompasses the concrete social and cultural forms and societal institutions in which Spirit manifests itself and articulates its self-understanding – that is, forms which, in Hegel's mature system, belong to the philosophy of objective spirit. To the extent that intelligence and will are thematised as properties of Spirit independently of their appearance,[6] and that the structure of spirit itself is conceived in the context of Kant and Fichte's philosophy of consciousness, the central idea of the *Phenomenology* as detailed in the 'Preface' – that the true is to be understood both as subject and as substance – takes effect.[7] The moments of the substantial give way to the insight that essence (*Wesen*) is also form and self-movement, and that the whole is simply 'the essence consummating itself through its

development'.[a,8] The concept of Spirit, i.e. that it is 'just this movement of becoming an other to itself, i.e. becoming an *object to itself*, and of suspending this otherness',[b,9] determines the direction and telos of its developments, and with it the idea of true knowledge. 'Spirit, that knows itself as thus developed, is *Science*',[c,10] and 'it is this coming-to-be of *Science* as such or of knowledge that is described in this *Phenomenology of Spirit*'.[d,11] In other words, it depicts 'the path of the natural consciousness which presses forward to true knowledge'.[e,12] Since the 'standpoint of consciousness' consists in '[knowing] objects in their antithesis to itself, and itself in antithesis to them',[f,13] the task is to describe the unfolding of consciousness' journey as a reconstruction of the experiences consciousness has with itself and with its object.[14] The goal of this story of experiences is the overcoming of that opposition: in absolute knowledge, Spirit understands itself as the unity of truth and certainty.

The constitutive meaning of the concept of recognition is expounded on the level of self-consciousness. In what follows, I sketch out in its essential features the argument that leads up to the point at which Beauvoir begins. It is self-consciousness in whose structures Spirit first decisively grasps itself. The Absolute generates itself through opposition and otherness, and self-consciousness is such that it is self-identity in knowing itself as the unity of its contents of thought: 'for its own self, it is a distinguishing of that which contains no difference, or self-consciousness'.[g,15] Since consciousness has entered into 'the native realm of truth'[h,16] as self-consciousness – since, that is, the truth no longer looks outside itself to otherness – it is possible at this point to formulate the central insight (which can at this point belong only

a. '[D]as Ganze . . . nur durch seine Entwicklung sich vollendende Wesen'. G. W. F. Hegel, *Phänomenologie des Geistes*, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71) (hereafter *HW*), III, 24

b. 'Diese Bewegung [ist], *sich* ein *Anderes*, d.h. *Gegenstand seines Selbsts* zu werden und dieses Anderssein aufzuheben.' *Ibid*., 38

c. 'Der Geist, der sich so entwickelt als Geist weiß, ist die Wissenschaft.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 29

d. 'Dies Werden der Wissenschaft überhaupt . . . ist es, was diese Phänomenologie des Geistes darstellt.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 31

e. '[D]er Weg des natürlichen Bewusstseins, das zum wahren Wissen dringt'. Hegel, *Phänomenologie des Geistes*, in *HW* III, 72

f. '[D]er Standpunkt des Bewusstseins, von den gegenständlichen Dingen im Gegensatze gegen sich selbst, und von sich selbst im Gegensatze gegen sie zu wissen.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 30

g. '[F]ür sich selbst, es ist das Unterscheiden des Ununterschiedenen oder Selbstbewusstsein.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 134

h. '[D]as einheimische Reich der Wahrheit.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 138

to us, the philosophers observing the process): 'Self-consciousness exists in-and-for-itself when, and by the fact that, it so exists for another; that is, it exists only in being acknowledged.'[i, 17]

Fichte had already shown that self-consciousness cannot be understood as a monological, solipsistic, self-contained subject – although he used the intersubjective constitution of self-consciousness only to deduce a basic norm of all *legal* relationships.[18] For Hegel, the proof that self-consciousness exists only so far as it is recognised becomes a decisive turning point in the story of the experiences of consciousness.

Self-consciousness demonstrates to itself its certainty that it is a pure self-relation, an I=I (and so is the truth), in the experience that the opposing object is a nothing, that it sees it as a mere thing or not-I. The type of negation changes when the self-consciousness sees in the object not an Other, but something structurally identical. Life is like this – like self-consciousness, it is a species in itself, something infinite, a pure self-relation, which posits its Other as the individual example of its species and sublates it to secure the continued existence of the species. The difference between this living object and self-consciousness consists in the type of self-relation: like life, self-consciousness, qua species, is a simple universal which unifies all differences in itself but for itself it is species and so proves its self-certainty to itself by its active sublation of the living object. In relation to the living object, it is a desiring self-consciousness, and it achieves satisfaction only by incorporating this object into itself, that is, by devouring the object. This satisfaction, however, is temporary and short-lived, and ends with the renewed appearance of desire. The decisive experience consciousness has between the appearance of the desire and the satisfaction of that desire is that of the object's independence: 'Desire and the self-certainty obtained in its gratification, are conditioned by the object, for self-certainty comes from superseding this other: in order that this supersession can take place, there must be this other.'[j, 19] The independence of the Other consists in its being a living object which negates and nevertheless preserves itself – it objectifies itself and thus is identical with itself: it is, therefore, another self. Both self-consciousnesses now stand over against each other as independent and each can only prove its independence from the other by entering into a struggle with it.

i. 'Das Selbstbewusstsein ist *an* und *für sich*, indem und dadurch, dass es für ein Anderes an und für sich ist; d.h. es ist nur als ein Anerkanntes.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 145

j. 'Die Begierde und die in ihrer Befriedigung erreichte Gewißheit seiner selbst ist bedingt durch ihn, denn sie ist durch Aufheben dieses Anderen; daß dies Aufheben sei, muß dies Andere sein.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 143

The philosopher's *ex ante* conception of the intersubjectivity of self-consciousness – that this is 'the unity of the different independent self-consciousnesses which, in their opposition, enjoy perfect freedom and independence: "I" that is "We" and "We" that is "I"'[k,20] – is only comprehensible to self-consciousness as a result of a struggle for recognition. This struggle is described in section A of the 'Self-consciousness' chapter, 'Independent and Dependent Self-consciousness; Lordship and Bondage'. Not only in 1930s France did these passages come to be known as the 'secret centre' of the *Phenomenology*.[21]

The movement of recognition concludes in the doubling of self-consciousness. What this actually is – namely, the differentiation of the self-knowing I – comes into view and becomes the real difference between the one self-consciousness and the other. To attain self-certainty, self-consciousness must sublate the other which appears to it as an 'independent being'. In this way, it resembles the desire that negates its object, but with one difference – in this negation, it is not only the self which is confirmed as free, but also the other whose freedom is discovered. 'Each is for the Other the middle term, through which each mediates itself with itself and unites with itself . . . They *recognise* themselves as *mutually recognising* one another.'[l,22] This mutuality of recognition begins, for self-consciousness, in the demonstration of the willingness to fight to the death, and in the proof that freedom means more to it than life. Since each self-consciousness wants, in its disdain for mere life, to be recognised by the Other, this fight cannot end with death, but leads initially to a one-sided recognition: the one who prefers life gives up, and recognises in the Other the freedom he has proven and attained with his willingness to risk his life. This is the recognition of the slave, through which the Other is granted its independence and its position as master.

It is at this point that Simone de Beauvoir takes up the story and sees in the relationship of the master and the slave the reflection of the true nature of male–female relationships. Whereas the position of the slave results from his defeat in the fight to the death, the woman is from the outset denied a situation of symmetrical combat: between the man and herself, no fight takes place. Because of her biological constitution, she is unable to loosen the chain that ties her to life itself, and the possibility of 'setting Spirit against life by

k. '[D]ie Einheit . . . verschiedener für sich seiender Selbstbewusstseine . . . ; *Ich*, das *Wir*, und *Wir*, das *Ich* ist.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 145

l. 'Jedes ist dem Anderen die Mitte, durch welche jedes sich mit sich vermittelt und zusammenschließt . . . Sie *anerkennen* sich als *gegenseitig sich anerkennend*.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 147

risking that life' remains closed off to her, because 'the woman is fundamentally a creature which gives *life*, but does not risk *its* life'.[23] In the simple universal that is the mere continuation of the life of the species, the woman as child-bearer is merely the giver of life in general, she is not a subject, a species for herself, but a medium for life. Her biological condition precedes each individual female experience and is inscribed on the female individual as her gender. Therefore, the capacity that the human species believes entitles it to the dignity of rational beings, the capacity to transcend the natural context of immanent life, must seem to her counter to her nature. Whereas the man's biological sex is tangential to his being, a peripheral feature of his subjectivity, the woman is, in her substance, her biological sex. Her existential problem is not, therefore, the threat of a decline from transcendence to immanence, but the overcoming of immanence itself. Therefore unlike the Hegelian slave, who recognises his own inferiority by the disdain for pure life manifested in the master's actions, she cannot recognise the man's legitimate superiority – rather, she defends the sphere of feminine immanence against this superiority. She also does not share in the experience of the slave, who lives in 'the fear of the Lord'; that is, by restraining desire, learning not to destroy the object but to bear the burden of its independence and only to change its form, that is, to work on it: 'Work . . . is desire held in check, fleetingness staved off; in other words, work forms and shapes the thing. The negative relation to the object becomes its *form*'. In the formed object, 'consciousness, qua worker, comes to see in the independent being [of the object] its own independence'.[m,24] The woman's 'domestic duties', which are closely bound up with the 'burden of motherhood', 'are limited to repetition and immanence'.[25] There is therefore no sign of the fundamental feature of shaping work, whose discovery Karl Marx, in the Paris Manuscripts, praises as 'the greatness of the Hegelian phenomenology': 'that he grasps the essence of work and understands objective man, true, because real, man, as the result of his own work.'[26]

It is this feature of Beauvoir's humanist feminism – her demonstration of the inferiority of the female sex when measured, as in androcentric discourse, on the scale of the masculine human Spirit – that has astonished difference-feminists and others. The principles of existentialist ethics, adopted by Beauvoir as by Sartre, do not in their application allow for differentiation between

m. '[D]ie Arbeit hingegen ist *gehemmte* Begierde, *aufgehaltenes* Verschwinden, oder sie *bildet*. Die negative Beziehung auf den Gegenstand wird zur *Form* desselben und zu einem *Bleibenden* . . . das arbeitende Bewußtsein kommt also hierdurch zur Anschauung des selbständigen Seins *als seiner selbst*'. Hegel, *Phänomenologie des Geistes*, in *HW* III, 153

the sexes, and become in Beauvoir's discussion a reason for excluding women. Because of their essential deficiencies, women cannot even be candidates for moral demands that require them to transcend the purely empirical conditions of their existence. Thus, Beauvoir also comes into conflict with her central, oft-repeated conviction that women are not born women, but rather become such – an insight that brings the historical, political and socioeconomic circumstances of the female condition into the foreground.[27]

This ambiguity seems to reflect the influence of A. Kojève and his famous interpretation of the *Phenomenology* with its focus on the 'Self-consciousness' chapter. He begins the debate about the relative primacy of master and slave: whilst the Marxist interpretation sees the slave's labours as the decisive motor for civilisation's progress, the existentialists see the master's consciousness of the nothingness of his own life as the real humanising force. According to Fulda and Henrich, this claim brings 'fascist overtones' to the ears of left-wing critics.[28] Kojève himself highlighted the proximity of the Hegelian 'idea of death' to Heidegger's analysis of *Dasein*.

Ultimately, Beauvoir's choice is clear: since she maps the relationship between the sexes on to the existentialist opposition between immanence and transcendence, she remains in debt to the Idealist tradition which sees the negating power of Spirit as the essential feature of humanity. Thus, she remains stuck in the grooves of a philosophy of the subject which Hegel intended to counter with his concept of recognition: Spirit is the mediating universal, which makes individuals into community, a medium that makes possible the relationship between independent subjects through reciprocal recognition, and has therefore to be seen as a necessary condition of the intersubjective structure of self-consciousness, and not as the distinguishing feature of self-regarding subjectivity.[29]

Admittedly, as consciousness moves through the various stages of its journey, the mediating function of Spirit is itself mediated in the process of the Absolute's coming-to-itself, for it comes to see itself as that which it really is only when, in the Spirit as the unity of truth and certainty, the stage of absolute knowledge has been reached.

Along with this move towards the philosophy of the subject comes the unfolding of the categories that determine Hegel's own gender theory. In the chapter on Spirit, we find Hegel's famous reception of Sophocles' *Antigone*. In Hegel's view, this can be read as the world-historical defeat of Greek ethical life. Man and woman are represented as the agents of two warring laws, that of man and that of the gods. Antigone embodies the lone figure of the woman as sister who, by burying her brother against Creon's

decree, sets the divine law against the modern law of man, and defends the ethics of the family against the law of the state. That Hegel's concept of progress should link the beginning of modernity with the development of the gender dichotomy follows logically from his construction of a speculative philosophy of the subject and from his appropriation of the methodological tools for that task. In his *Philosophy of Right*, Hegel returns to the Antigone passages in the *Phenomenology* and interprets the differences between the sexes as a manifestation of the difference between free universality and concrete particularity, between self-consciousness and the interiority of feeling.

> The *one* is therefore spirituality, which divides itself up . . . the *other* is spirituality which maintains itself in unity . . . Man therefore has his actual substantial life in the state, in learning, etc., and otherwise in work and struggle with the external world and with himself, so that it is only through his division that he fights his way to self-sufficient unity with himself. In the family, he has a peaceful intuition of this unity, and an emotive and subjective ethical life. Woman, however, has her substantial vocation in the family, and her ethical disposition consists in this piety. In one of the most sublime presentations of piety – the *Antigone* of Sophocles – this quality is therefore declared to be primarily the law of woman, and it is presented as the law of emotive and subjective substantiality . . . [n,30]

This constellation of the sexes means that no progress can be expected from the side of the female; any attempt to negate her substantial role and become active in the spheres of politics, science and art is written off by Hegel in the *Zusatz* to §166 with the stereotyped attributes of failed femininity. Simone de Beauvoir summons up similar notions when she describes the opaque movement between 'obedience' and 'refusal', between submission and defiance, which is part of the cliché of the woman as an eternal child, in connection with women's attempts to defend their own sphere of life in a

n. 'Das *eine* ist daher das Geistige, als das sich Entzweiende . . . das *andere* das in der Einigkeit sich erhaltende Geistige . . . Der Mann hat daher sein wirkliches substantielles Leben im Staate, der Wissenschaft und dergleichen, und sonst im Kampfe und der Arbeit mit der Aussenwelt und mit sich selbst, so dass er nur aus seiner Entzweiung die selbständige Einigkeit mit sich erkämpft, deren ruhige Anschauung und die empfindende subjektive Sittlichkeit er in der Familie hat, in welcher die *Frau* ihre substantielle Bestimmung und in dieser Pietät ihre sittliche Gesinnung hat. Die Pietät wird daher in einer der erhabensten Darstellungen desselben, der Sophokleischen *Antigone*, vorzugsweise als das Gesetz des Weibes ausgesprochen, und als das Gesetz der empfindenden subjektiven Substantialität, der Innerlichkeit, die noch nicht ihre vollkommene Verwirklichung erlangt . . . dargestellt.' Hegel, *Grundlinien der Philosophie des Rechts*, in *HW* VII, 318–19

female 'counter-world'.[31] In the *Phenomenology*, these characteristics are seen as consequences of the world-historical victory of the state and, as yet still free of any negative connotations, are put under the heading of 'the eternal irony of the polity'. Since that polity 'only gets its existence through its interference with the happiness of the family . . . it creates for itself in what it suppresses and what is at the same time essential to it an internal enemy: womankind in general'.[o,32]

But here, again, this enmity does not lead to any productive disturbance, since it is born out of the separation between family and civil society and therefore belongs to the eternal and ineluctable socioeconomic cost of modernity. Civil society, 'a system of ethical life, lost in its extremes',[33] acquires its male members by separating them from the ethical sphere of the family. Only in the concrete universal of the state does the male truly find his ethical existence. The sphere of female life belongs to this form of objective spirit only negatively, as sublated.

To the extent that the man becomes detached from his relation to the 'other' sex, the natural form of the male sex becomes, for the woman, the embodiment of human being and thus of the 'Spiritual' altogether – a process which encloses her within her own gender and excludes her from self-conscious subjectivity. The fact that these mutual naturalisations are connected with a theory that sees the 'Spiritual' not as the locus and medium of mutual recognition, but as the distinguishing mark of a self-reflexive, self-contained subject, is therefore invisible to Beauvoir as an existentialist. Nevertheless, she acknowledges it indirectly by means of her relentlessly critical approach. When she makes reference to the necessity of the 'liberation of the woman', and to the fact that this cannot be done by individual efforts, but only by those of the collective,[34] she sketches a project that broadens the context for an existentialist ethics to include the demands of intersubjectivity. The project of female emancipation is, however, for Beauvoir, closely connected to 'a philosophy of history designed towards the liberation of humanity'. This idea, implying as it does the elimination of gender difference, admittedly forms only the utopian horizon of a social and cultural reality whose basis is the 'agreed complicity of the sexes'. In the 'flight from the unease and fear that freedom brings', Beauvoir discerns the

o. 'Indem das Gemeinwesen sich nur durch die Störung der Familienglückseligkeit und die Auflösung des Selbstbewusstseins in das allgemeine sein Bestehen gibt, erzeugt es sich an dem, was es unterdrückt und was ihm zugleich wesentlich ist, an der Weiblichkeit überhaupt seinen inneren Feind.' Hegel, *Phänomenologie des Geistes*, in *HW* III, 352

anthropological bonds which for the present do not so much unite the sexes, as chain them to each other.[35]

Translated by Emily Clarke

Notes

1. In *The Struggle for Recognition: the moral grammar of social conflict* (Cambridge, MA: MIT Press, 1996), Axel Honneth appropriates the Jena texts with the intention of developing 'a normatively substantive social theory'. In the 'concept of recognition in ethical life', he sees this in social relationships which are defined by the concept of solidarity which have, through the 'categorical focus on the philosophy of consciousness', lost their place in the system. A similar interest guides Ludwig Siep's much earlier *Anerkennung als Prinzip der praktischen Philosophie: Untersuchungen zu Hegels Jenaer Philosophie des Geistes* (Freiburg: Alber, 1979). Siep wishes to demonstrate that the principle of recognition Hegel develops as superior to the 'basic principles and norms of contemporary practical philosophy' reaches its limit where Hegel's philosophy of spirit ends up being determined by speculative logic and the categories that are developed through that logic. He observes a 'theoretical foundation of consciousness' in 'mutual action'. This runs contrary to Jürgen Habermas' earlier (1968) work, 'Arbeit und Interaktion: Bemerkungen zu Hegels Jenenser *Philosophie des Geistes*', in *Technik und Wissenschaft als 'Ideologie'* (Frankfurt am Main: Suhrkamp, 1968), 9ff. (trans. by John Viertel, as 'Work and Interaction – remarks on Hegel's Jena "Philosophy of Spirit"', in *Theory and Practice* (London: Routledge, 1974)), which emphasises the difference between the concept of spirit in the Jena lectures and that in the *Phenomenology* and *Encyclopaedia* and sees the early concept as particularly promising for a practically oriented social theory. Thus the foundation is laid not in the *Phenomenology*, but as early as 1803.
2. Cf. L. Siep, *Der Weg der Phänomenologie des Geistes: ein einführender Kommentar zu Hegels 'Differenzschrift' und 'Phänomenologie des Geistes'* (Frankfurt am Main: Suhrkamp, 2000), 99f.
3. On the traces of communicative reason in Hegel's early writings and the mobilising of the 'uniting power of intersubjectivity' against the 'authoritarian embodiment of subject-centred reason', see Jürgen Habermas, *The Philosophical Discourse of Modernity: twelve lectures* (Cambridge, MA: MIT Press, 1990).
4. On the criticism of 'differential feminism' in the work of Simone de Beauvoir, see Susanne Moser, *Freedom and Recognition in the Work of Simone de Beauvoir* (Frankfurt am Main: Peter Lang, 2008). Admittedly this criticism runs the risk of itself making a similar one-sided criticism of modernity as Hegel: just as he wished to subvert the inadequacies of modern practical philosophy by fleshing it out with an Aristotelian concept of ethical life, humanist equality of the kind proposed by Beauvoir demonstrates an affinity with liberal concepts of justice. This stands in direct conflict with difference feminism's idea of the good life, whose main orienting principle is gleaned from communitarian conceptions of community and family. Cf. Seyla Benhabib, *Situating the Self: gender, community and postmodernism in contemporary ethics* (Cambridge: Polity, 1992).

5. That is, the *System der Sittlichkeit* [System of ethics] (1802/3), ed. G. Lasson, Philosophische Bibliothek 144a (Hamburg: Meiner, 1967); the *Jenaer Systementwürf* 1: *Das System der spekulativen Philosophie* (1803/4), ed. K. Düsing and H. Kimmerle, Philosophische Bibliotheck 331 (Hamburg: Meiner, 1986), and the *Jenaer Realphilosophie* (1805/6), ed. J. Hoffmeister, Philosophische Bibliothek 67 (Hamburg: Meiner, 1969).
6. Siep, *Der Weg der Phänomenologie des Geistes*, 59.
7. G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Clarendon Press, 1979) (hereafter *PS*).
8. *Ibid.*, § 20.
9. *Ibid.*, § 36.
10. *Ibid.*, § 25.
11. *Ibid.*, § 27.
12. *Ibid.*, § 77.
13. *Ibid.*, § 26.
14. *Ibid.*, § 86.
15. *Ibid.*, § 164.
16. *Ibid.*, § 167.
17. *Ibid.*, § 178.
18. Siep, *Der Weg der Phänomenologie des Geistes*, 59.
19. *PS*, § 175.
20. *Ibid.*, § 177.
21. S. H. F. Fulda and D. Henrich in the preface to their edited volume, *Materialien zu Hegels, 'Phänomenologie des Geistes'* (Frankfurt am Main: Suhrkamp, 1973), 27.
22. *PS*, § 184.
23. Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevallier (London: Jonathan Cape, 2009), 72.
24. *PS*, § 195.
25. de Beauvoir, *Second Sex*, 71.
26. *Ökonomisch-philosophische Manuskripte aus dem Jahre 1844*, in Karl Marx and Friedrich Engels, *Werke*, suppl., pt I (Berlin: Dietz, 1974), 574.
27. Cf. Judith Butler, who gives other reasons for the ambivalent nature of gender identity in Beauvoir's work – she understands the Sartrean 'thrownness' as the free choice of gender in the sense of an eternal 'becoming'. The relation of gender to this choice is 'culturally constructed', and thus questions the relationship of sex and gender; 'Variationen zum Thema Sex und Geschlecht: Beauvoir, Wittig, Foucault', in G. Nunner-Winkler (ed.), *Weibliche Moral: die Kontroverse um eine geschlechtsspezifische Ethik* (Munich: C. H. Beck, 1995), 56ff.
28. Fulda and Henrich, *Materialien zu Hegels, 'Phänomenologie des Geistes'*, 27 – 'Die große Rückkehr zu Hegel ist nur ein verzweifelter Angriff gegen Marx . . . ein Revisionismus faschistischen Charakters' – as quoted by Iring Fetscher in his edition of Alexandre Kojève, *Hegel: Kommentar zur 'Phänomenologie des Geistes', mit einem Anhang: Hegel, Marx und das Christentum* (Frankfurt am Main: Suhrkamp, 1975) (229 n. 4), the judgement of the French Marxists as reflected in *Deutsche Zeitschrift für Philosophie* 3, no. 3 (1955), 357.
29. For the early Habermas (see note 1), it is the very concept of self-consciousness and its intersubjective constitution that points to the ultimately monological structure of

Spirit. Certainly, Spirit is conceivable as a mediating phenomenon, but no longer as 'the organization of equally fundamental media' (Habermas, 'Arbeit und Interaktion', 23) that are not conceived of as steps of a formative journey, but rather as the three basic elements of this journey: namely, language, work and interaction, which determine the concept of Spirit 'dialectically' (10).

30. G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991) (hereafter *PR*), § 166.
31. de Beauvoir, *Second Sex*, 72.
32. *PS*, § 475.
33. *PR*, § 184.
34. de Beauvoir, *Second Sex*, vol. II, pt 2, ch. 10, 'Woman's situation and character'.
35. Marion Heinz, 'Humanistischer Feminismus: Simone de Beauvoir', in Sabine Doyé, Marion Heinz and Friederike Kuster (eds.), *Philosophische Geschlechtertheorien: ausgewählte Texte von der Antike bis zur Gegenwart* (Stuttgart: Philipp Reclam, 2002), 429.

14

Giving an account of oneself amongst others: Hegel, Judith Butler and social ontology

Liz Disley

The concept of recognition in Hegel's *Phenomenology of Spirit* has had, and continues to have, a profound effect on twentieth-century philosophy. Emerging as a key topic in mid-twentieth-century Continental thought, the concept is more relevant than ever to early twenty-first-century philosophy on both sides of the Atlantic. Whilst philosophers writing in the Continental tradition have been more interested in the ontological conditions of recognition and the relation of this issue to questions of, as Lévinas would put it, first philosophy,[1] the political connotations have not been neglected, and the question of the concept of recognition as a way of understanding the political has been explored in the works of Axel Honneth,[2] Jürgen Habermas,[3] Edith Düsing and Michael Theunissen, as well as Alexandre Kojève's original seminal interpretation[4].

These accounts and criticisms of Hegel's concept have attempted, to a greater or lesser extent, to flesh out the concept so that it might be useful in today's political world. Receptions of Hegel's concept of recognition in the English-speaking world have focused more strongly on the directly political and less on the concept of recognition as a part of Hegel's system in general, that is, less, if at all, on the ontological and epistemological aspects of the concept. One focus of this kind of interest in recognition is what Nancy Fraser calls the 'identity model', whose proponents

> transpose the Hegelian recognition schema on to the cultural and political terrain [and] contend that to belong to a group that is devalued by the dominant culture is to be misrecognized, to suffer a distortion in one's relation to one's self.[5]

This is one locus of the continued feminist interest in Hegel's theory of recognition, particularly combined with Miranda Fricker's recent work on

epistemic injustice,[6] although Simone de Beauvoir's more ontologically inclined analysis has remained influential, and the target of much criticism. The political debate on recognition has been truly international, and has crossed traditional disciplinary and subdisciplinary borders. An excellent example of this crossing can be seen in the 2003 volume, *Redistribution or Recognition?*, coauthored by Fraser and Honneth.[7] Whilst the question of whether a Hegelian concept like recognition can be divorced from its ontological and dialectical scheme remains one which divides analytical and Continental philosophers, it would not be true to say that there are two separate and unconnected discussions taking place.

Judith Butler's work on recognition is a vital meeting point for the analytical and Continental debates surrounding recognition. Her argument that moral responsibility does not require complete autonomy provides a challenge to moral philosophers working within the analytical tradition, and her criticism of the Hegelian system in general one to Hegel scholars on both sides of the analytical/Continental divide, and with a particular interest for post-structuralists, given her earlier work on Hegelian dialectic. The analysis in her 2005 *Giving an Account of Oneself* is a careful and rich situating of Hegel's concept of recognition within the 'identity' debate, but also in contemporary debates about compatibilism and freedom.

Despite their varying aims, scopes and approaches, most, if not all, of the discussions of Hegelian recognition in the past half-century or so have concerned the nature of the social, and the nature of the self within that social sphere. The feminist approaches to Hegelian recognition and related topics such as freedom in German Idealism form part of this examination of the social self, and not a separate, special-interest topic. The connection to contemporary social ontology, also referred to with terms such as the 'philosophy of sociality' or 'philosophical social theory', is, in the context of recognition debates, only emerging now. There is a clear connection between the concerns of the more ontologically oriented accounts, analyses and criticisms of Hegelian recognition and Hegelian social theory in general, and emerging questions in social ontology such as the social constitution of reality, the ontological constitution of the social world, the ontological basis of self–other relationships (a key topic in relation to Hegel's work), and topics of particular interest to the cognitive scientist such as joint intentionality. Another profoundly Hegelian topic of central importance in social ontology, which can only be touched upon here, is the ontological nature of social institutions.

Judith Butler's insight about the nature of moral responsibility in the light of restricted autonomy is, when understood in the light of

contemporary social ontology, a continuation of the recognition debate which brings the debate back to the heart of tensions within German Idealism itself. The central question is this: what is failing or going wrong when recognition fails? Can we make recognition into something to strive for or work towards and, if so, what are the ontological conditions and presuppositions? Do these conditions and presuppositions stand up to empirical scrutiny? It is these, and other, questions which I will examine in this essay.

My starting point here is Simone de Beauvoir's appropriation of Hegel's master/slave dialectic, which maps human relationships on to the subject/object dichotomy. This dichotomy, according to Beauvoir, would have to be sublated in order for there to be genuine relationships, and genuine recognition. On her account, there is a sense in which the struggle for recognition is a struggle for subjecthood, but recognition can only really be achieved when each party views themselves and the Other or interlocutor as both subject and object at the same time. Scholars of Beauvoir have called this phenomenon 'ambiguity', using this term for Beauvoir's own work.[8] Recognition fails to get off the ground when one person fails to view the other as even a candidate for subjecthood, as happens, for her, with relationships between the sexes. The Cartesian understanding of the self breaks down, and the 'master' identifies himself with a non-corporeal I, and identifies the slave in turn with a corporeal object. Given that Hegelian recognition is reciprocal by definition, recognition then fails in both directions. But what is so bad about a failure of recognition? For Hegel, recognition is necessary for self-consciousness, but this answer has left critics unsatisfied for a number of reasons. What is at stake here for current debates, in Hegel scholarship and in broader terms? In this essay, I provide two potential answers, one from the work of Judith Butler, and one from the field of social ontology.

The French reception of Hegel in the 1940s, both in Beauvoir's and Sartre's versions, paints a very negative picture of the possibilities of something like Hegelian recognition. We are left with either a fight for subjectivity, as in Sartre's *Being and Nothingness*, or a struggle to be seen as even a candidate for such a thing. The result is ultimately alienation – from the self and the Other – and bad faith. This contrasts sharply with a view of recognition as an ethical model, and failure to recognise as a discriminatory moral failure. Part of the answer, at least, lies in a line of enquiry about the nature of social reality and the social individual. This is explored to particularly interesting effect in recent work on recognition by Judith Butler, and in the relatively new tradition of social ontology (growing out of Searle's *The Construction of Social Reality*[9]).

Two central questions (or groups of questions) can be raised at this point: (1) What does recognising the other person actually consist in? How do you have to see the Other, and what do you have to do? (2) In what sense, for Hegel and for us, is the individual fundamentally social? How does the question of recognition boil down to the epistemological, the ontological and the ethical? Epistemologically speaking – is recognition a precondition of knowledge, social or otherwise (the answer for Hegel being yes)? Ontologically – is the very fact that something has a particular ontological status a reason to recognise it as such (Hegel's answer being yes, probably, but this is tightly bound up with the epistemological angle)? Ethically – is recognition a model of how we *ought* to treat each other, does refusing to recognise inflict some harm? One political casting of recognition (in the philosophy of race or philosophy of gender) tends to think such refusal *is* harmful. It's tempting to think so, but one must be careful not to conflate a failure to recognise with a phenomenon like epistemic injustice as elucidated by Fricker, where the failure to recognise someone's status refers not to the subject/object dichotomy, but to a refusal to recognise someone's ability to provide testimony.

1 The French reception of Hegelian recognition

Given that it has inspired such a wealth of feminist commentary, one striking feature of Simone de Beauvoir's appropriation of Hegel's master–slave dialectic is the apparent confusion between the biological and the ontological. The fact that the woman is made 'the prey of the species', apparently because she 'gives Life' suggests a strongly biological account of femininity – the woman understands that her biology means she takes a secondary role in an androcentric society.[10] This is directly at odds with the central claim of Beauvoir's feminism, namely, that one is not, but rather becomes, a woman – gender and biological sex are not the same, and women are not defined by their biology. The woman of Beauvoir's second sex is a frustrated figure whose 'misfortune is to have been biologically destined for the repetition of Life, when even in her own view life does not carry within itself its reasons for being, reasons that are more important than the life itself'.[11] The man wishes to transcend Life through existence, and the woman shares the desire for transcendence and the resultant self-justification, for this impulse is present 'regardless of sex'; but, because she cannot risk her life in the fight to the death in the master–slave dialectic, this option remains closed off to her.

Beauvoir's analysis is deeply pessimistic, but there is strong (and confusing) evidence that she thinks things could have been otherwise. Early in *The Second Sex*, she reflects that:

> phenomena [like war, class division, lack of mutual understanding] would be incomprehensible if in fact human reality were simply a *Mitsein* based on solidarity and friendliness. Things become clear, on the contrary, if, following Hegel, we find in consciousness itself a fundamental hostility towards every other consciousness; the subject poses himself only in setting himself up against another – he sets himself up as the essential, and constitutes the other as the inessential, the object.[12]

Societal conflict arises from the development of self-consciousness, from the desire to turn the Other into an object – but this is only the first two moments of self-consciousness, the abstract consciousness of itself as a single 'I' and the perception of the Other as object, as described by Hegel, which is what leaves Beauvoir with such a negative view. Hegel proceeds as follows:

(1) Self-consciousness is the abstract consciousness of the self as a single 'I'.
(2) Abstract identity results from the negation of the (independent) otherness of the object.
(3) This is Desire, in truth the duplication of self-consciousness: both the subject and the object are self-consciousness, but this 'other' of self-consciousness must always necessarily appear as another self-consciousness.

As self-consciousness proceeds to absolute knowledge, it is necessary for mutual recognition to take place, which involves the subject seeing itself as an object and a subject at the same time, and recognising the Other as subject as well as object. The master, or man, who wins in the fight to the death – even if by default, as the life-giving woman is unable to risk her own life due to her biological constitution – has achieved what Beauvoir would call transcendence, the transcending of Life through Existence; he has certainly not achieved self-consciousness and is not, of course, properly recognised.

Later in *The Second Sex*, Beauvoir argues that Hegel could have argued otherwise. In the section on women in myth and literature, Beauvoir gives an account of female characters in the work of Stendhal, and contrasts

them quite wistfully with her woman-as-slave account of the master–slave dialectic:

> Test, reward, judge, friend – woman truly is in Stendhal what Hegel was for a moment tempted to make of her: that other consciousness which in reciprocal recognition gives to the other subject the same truth that she receives from him. Two who know each other in love make a happy couple, defying time and the universe; such a couple is sufficient unto itself, it realizes the absolute.[13]

This has a clear parallel with Luce Irigaray's Hegelian-inspired ethics of the couple.[14] On Beauvoir's account of recognition earlier in *The Second Sex*, she seems to exclude the possibility of mutual recognition entirely – in Hegelian terms, how could the woman, a slave to her biology, be the sort of creature who *could* recognise? Yet in the case of Julien and Mathilde, Beauvoir does discern a possibility of a mutually recognitive relationship. The male characters, Julien, Fabrice and Lucien, have their relationship with the world and themselves mediated by the woman-as-Other; they 'work out their apprenticeship in dealing with the world and themselves' only through the female characters.

What is Beauvoir pessimistic about? Is it Hegel's view of women? She does not discuss Hegel's *Philosophy of Right* and the exclusion of women from civil society, so this seems unlikely. Is she merely bemoaning the woman's inevitable biological condition, a condition which Stendhal's fictional characters do not share? This would sit awkwardly with her key claim, that gender is in some way constructed and not co-extensive with biological sex. Or does she simply misunderstand Hegel's discussion of the progress towards self-consciousness, and the possibility of the master's self-liberation? Again, she realises that the possibility of mutual recognition is there, and wishes Hegel could have cast a woman in a mutually recognitive role, so this seems unlikely. It is Hegel's reading itself which she sees as the pessimistic one. Despite her wistfulness, she has delivered an example of the kind of *Mitsein* she called for at the beginning of the work. It must therefore be true, as Eva Lundgren-Gothlin claims, that there is, for Beauvoir, a 'possibility of transcending the conflict through mutual recognition – in accordance with Kojève's philosophy'.[15]

What Beauvoir's analysis does do, however, is give a first hint of how embodiment will become important in later discussions of recognition. Judith Butler takes up this theme in her first work on Hegel, *Subjects of*

Desire. I discuss this in the next section. As well as engaging with the theme of biology and desire, Butler makes an interesting historical point about the mid-twentieth-century reception of Hegel, with particular reference to the concepts of desire and recognition:

> The *Phenomenology*'s vision of an active and creating subjectivity, a journeying subject empowered by the work of negation, served as source of hope during those years [of the Second World War] of political and personal crisis. Hegel provided a way to discern reason in the negative, that is, to derive the transformative potential from every experience of defeat.[16]

Whilst Beauvoir and Sartre's reception of Hegel seems to betray a serious pessimism about the possibility of genuine mutual recognition and a mutually beneficial intersubjectivity, Beauvoir at least suggests and points to a route to positive recognition. Butler's comment refers perhaps more to the work of Kojève, but in Beauvoir's work too there is a sense of defeats pointing the way to future success. The question remains, however, of whether the ideal of the loving couple as constituting a positive, mutually recognitive relationship can be expanded to operate on the wider level of society as a whole. Beauvoir does not attempt to answer this question, but then it is not within her remit in *The Second Sex*. To examine this possibility, I will now move to discuss Judith Butler, and then social ontology.

2 Judith Butler – mutual recognition and social constitution

Judith Butler's engagement with Hegel's thought stretches back to her doctoral dissertation at Yale, which was subsequently published as *Subjects of Desire*. As well as making important remarks on the nature of embodiment in the context of desire and recognition, she focuses on the importance of the subject/object dichotomy, making reference to the concept of ambiguity:

> As it becomes clear that the same truths hold true of the Other's relationship to the self, the Other is also viewed as the author of the subject. Desire here loses its character as a purely consumptive activity, and becomes characterised by the ambiguity of an exchange in which two self-consciousnesses affirm their respective autonomy (independence) and alienation (otherness).[17]

Desire, according to this existentialist/Marxist analysis (cf. the reference to alienation), is not characteristic purely of a struggle for subjectivity, but of a mutual emergence of recognition. This move is legitimate; in not recognising oneself and the Other as both subject and object, the self is in some way hidden from the self. The Marxists and the existentialists see alienation as a negative state of affairs in the actual world, as opposed to the positive role it seems to play in the world of the master–slave dialectic. Here, we have the first potential answer to the question of what the negative consequences might be of a failure of recognition. A failure to recognise means that both the self and the Other are alienated from themselves. But what does this mean in reality? Can a failure to recognise during a fleeting encounter lead to alienation as a persisting state? Or is it just that repeated failures to recognise lead to permanent alienation for those who constantly fail to be recognised – that is, in the context of what Butler calls the 'identity' question? Or, on a more psychological level, is it within significant relationships that a failure to recognise becomes significant? Butler's later works point us towards an answer.

In *Giving an Account of Oneself*, Judith Butler emphasises the importance of the reciprocity of recognition in Hegel's thought – part of recognition is the insight that the other is 'structured in the same way I am', and this is never a 'pure offering' but always something that I 'receive . . . in the act of giving it'.[18] Recognition is, by definition, mutual, but not quite as Hegel has it. For Hegel, something simply does not count as recognition if the recogniser is not also recognised. The slave cannot recognise the master, for the master does not see him as the sort of being that can recognise, and therefore the master is also not truly recognised. Without definitively pronouncing on the way the master–slave dialectic is to be understood, it is difficult to understand the status of this claim: can we see it in terms of alienation and autonomy, as Butler casts the master–slave dialectic in *Subjects of Desire*? This is one possible answer – it is not only by failing to *be* recognised that one can be alienated, but also in failing to recognise. Butler's characterisation of the mutuality of recognition in her 2005 work defines recognition itself, however, as necessarily mutual. In the Hegelian context, this is easily comprehensible. If part of recognition is giving as well as receiving, a recognition that in some way purely aims to receive will always fail.

To withhold recognition is not, therefore, to punish someone or to elbow them out of the way in the sense of a Sartrean struggle for subjectivity. In refusing to recognise, there is no gaining an advantage over someone by failing to accord them a status one accords to oneself – refusing to recognise

would lead only to the alienation of the self. This seems to give the lie to the 'identity' conception of recognition and its operation in the social world. Refusing to recognise is not an ethical failure, but a self-defeating act. If recognition has an ethical dimension, whether that is supposed to appeal particularly to feminists or to moral thinkers of a communitarian bent, this isn't it. However, whilst the identity argument might fall short of the mark, recognition remains something I can do, or not do, to the other person. As Butler says, social structure certainly does play a role:

> Although I have argued that no one can recognize another simply by virtue of special psychological or critical skills, and that norms condition the possibility of recognition, it still matters that we feel more properly recognized by some people than others.[19]

Recognition, for Butler, is not purely on the level of the abstract, even if the identity theorists are wrong. It is possible, and undesirable, for recognition to fail because of the actions of one of the pair. In order to clarify what is at stake here, it is necessary to ask what recognition actually *is* – a question which so much writing, particularly from the Continental point of view, fails to do. As Butler points out, it is not judgement – 'indeed, we may well judge another without recognizing him or her at all'.[20] Pointing out that recognition is not a purely intellectual function, but something that involves genuine interaction, is important in a debate that often focuses excessively on higher cognitive functions. How are we to understand the encounter between two self-consciousnesses, as Hegel, Butler and Beauvoir put it? For Butler, the encounter is a physical and biological phenomenon. The fact that consciousness is embodied shapes the encounter in a fundamental way; it conditions freedom's concrete determination, since the body is practically necessary for freedom, and at the same time makes the body of the Other relevant as a potential *limit* on each other's freedom – 'corporeality signifies limitation'.[21] It is because of the body that the conscious subject can never 'get beyond its own life'.[22] In a 1986 essay, Butler to some extent reads Beauvoir against Beauvoir.[23] Whilst Beauvoir's aim, at least in the 'History' section of the *Second Sex* which discusses Hegel's master–slave dialectic, is to 'understand how the biological and economic condition of the primitive horde must have led to male supremacy',[24] Butler takes Beauvoir's own account to show how the man's quest for disembodiment is 'self-deluding and, finally, unsatisfactory'.[25] His mastery of sorts over the woman is only possible because the woman, according to Beauvoir, is imprisoned by her biological condition. The man transcends his biological condition, or

embodiedness, but in doing so both makes the woman 'Other' and leaves the biological sphere to the woman. He becomes not a sex, but *beyond* sex. Thus, he is alienated from himself, as he nevertheless projects himself socially as biological and embodied, and, of course, simply *is* embodied and must interact with his surroundings and the Other in a physical way. Male supremacy is a truly Pyrrhic victory. The woman in this interaction does not fare any better: 'women become the Other; they come to embody corporeality itself. This redundancy becomes their essence, and existence as a woman becomes what Hegel termed "a motionless tautology".'[26]

Man's quest for disembodiment has a direct effect on the woman in this narrative. There is interesting empirical work to be done, if one accepts this theoretical framework, on whether the quest for disembodiment on the part of the man (and perhaps, in a less gendered society, not just on his part) is socially or psychologically conditioned: the pessimistic existentialist might well claim it is simply a (perhaps inevitable) instance of bad faith, the man acting out a role to which he believes himself condemned, rather like Sartre's waiter.

If Butler's, Beauvoir's and indeed Hegel's analyses of recognitive failure are to be of more than historical importance, there is an important question to answer, quite apart from the apparent assumption that biological sex is co-extensive with gender. Why is it that relationships between members of the same sex sometimes – indeed, often – lead to alienation, lack of autonomy, and so on? Is it possible that women also attempt to disembody themselves in interactions with others, to construe the Other, who might be male or female, as a mere physical object – in another vocabulary, to *objectify* them – thus unwittingly leading to their own alienation?

Butler points towards an answer as she underlines a particularly useful distinction between two types of self-other interaction, or intersubjectivity, which runs as follows. In what we might call 'subsuming' interaction, the self subsumes or submerges the Other in its encounter with it, and assimilates what is external into a set of features internal to itself. This is true even when recognition has *not* failed, because in the master/slave dialectic, the master sees the slave as inessential to himself. Subsuming is, in fact, recognition of a sort, although the self 'appropriates' the Other – but the self is changed by the Other on the way, which involves a certain recognition of the Other's subjectivity. Michael Theunissen makes an argument that is similar in many ways – Hegel's monistic ontology cannot support a sufficient separation of individuals for genuine sociality, and therefore his account of recognition cannot be a satisfactory account of such sociality.[27]

In ecstatic recognition, however, the I continues to find itself outside itself – I am always Other to myself, and transformed by the encounters I undergo. I can never truly return to myself. I lose part of myself in recognition and become other. The self is compelled outside itself. The I is constantly moving and shifting, the first person perspective distorting. This picture of recognition and interaction is strongly present in the work of Jean-Luc Nancy, whom Butler quotes: 'I can only recognize myself recognized by the other to the extent that this recognition of the other alters me; it is desire, it is what trembles in desire.'[28] Desire, for Butler, Hegel and Nancy, is a non-cognitive phenomenon, or certainly something that involves more than cognition. Like recognition, it does not have to involve judgement; moreover, it is an embodied pursuit (Butler criticises Kojève for treating it as disembodied).[29]

Butler's analysis, in both *Giving an Account of Oneself* and in *Subjects of Desire*, accords well with Nathan Rotenstreich's insights about alienation in Hegel's philosophy of nature. Nature, claims Rotenstreich, is the sphere of alienation: 'in this context [of Hegelian alienation] nature is understood as the idea estranged from itself, the externality of nature being its very characteristic'.[30] In nature, the idea both is and is not itself. The idea identifies itself with nature, but *is* not that nature. On the level of the idea, therefore, there is an ambivalent relationship with the embodied and the physical. Seeing oneself as purely embodied (an object) or purely disembodied (a subject transcending nature) will lead to alienation, but this alienation is part of the process of self-knowledge. So it is with the ecstatic mode of recognition. The self is forced outside of itself and alienated from itself by the encounter with the Other. It does not then return to that same self, but becomes an altered self. In many ways, this strikes a blow to the heart of its autonomy.

The ecstatic perspective, therefore, seems more hopeful in terms of the contemporary relevance of subjectivity than the subsuming perspective for a number of reasons. The thorny question of embodiment is, with the discussion of the ecstatic, tackled head-on, and in a way which seems psychologically realistic and appealing. It is a more positive concept of recognition, without the 'imperialist' overtones Butler mentions – it is not confrontational on an individual level.[31] Perhaps most importantly, it points towards a way in which we can account for 'the social dimension of normativity that governs the scene of recognition'.[32] Recognition as a positive ethical concept does not come from an isolated encounter with the Other, but repeated encounters with different Others, each changing the self in a fundamental way.

Does the ecstatic account risk transcending the subject/object dichotomy by denying traditional, stable subjectivity? If traditional, stable subjectivity is not possible, what is at stake here? Butler and Hegel and, to a certain extent, Beauvoir are agreed that the traditional 'dyad' of the subject/object dichotomy is inadequate as a frame of reference for understanding social life – although in the case of Beauvoir, it is her particular interpretation of the embodied as biologically conditioned gender difference that means she does not think that Hegel's concept of recognition, as it stands, can serve as a model for interaction between the sexes. Butler, as a post-structuralist, certainly does not want to cling to the philosophy of the subject. Would Hegel's monistic ontology be compatible with a non-stable form of subjectivity, a constantly changing, ultimately therefore indefinable subject? If not, Butler's analysis takes Hegel's concept of recognition a long way from its ontological framework. If so, a further question concerns the ramifications for a broadly German Idealist concept of autonomy.

The question of autonomy is tightly bound up with questions of ethics. Butler's insight and main line of argument in *Giving an Account of Oneself* is that the self does not have to be truly autonomous for moral responsibility to be possible.[33] The fact that we are socially constituted is not a barrier to being a free, in some sense, ethical agent. The decisive move is to contrast once more the phenomenon of recognition with the epistemological practice of judgement. Traditional moral responsibility sees the subject as accountable for its actions, but Butler wishes to extend the practice of 'accounting' to include the narrative of the subject and the sense in which the subject is socially constituted. A judgement, to be valid, must always consider the consequences of its address. Rather than being a barrier to the possibility of moral responsibility, recognising the extent to which the self is socially constituted during the narrative of its life is a precondition for honest moral judgement. This account would not satisfy anyone who wished to propagate a Kantian idea of rational autonomy, but the Hegelian narrative of the structures of self-consciousness could be used to support such a theory, even if Butler finds Hegel's own account of reciprocal recognition wanting in some respects. Whether a convincing or satisfying epistemology is possible in the absence of a fixed, autonomous subject is a further question.

3 Recognition, social ontology and moral responsibility

One of the main tasks of social ontology has been to examine the relationship between others, and to find an account of intersubjectivity which is

philosophically and psychologically appealing. It goes a significant step beyond the problem of other minds to ask the following: given that we *do* have an understanding of our social world, how is this possible? The topics involved in social ontology underlie, and do not generally extend to, an account of how *ethics* works in the social world. Butler's account of recognition makes it clear that, if recognition is to function as some kind of positive concept in ethics or social theory, we need a clear picture of the social norms that govern one-to-one interaction as well as a clear picture of the way in which we encounter the Other. These questions are likely to be intertwined.

The application of concepts in social ontology – a term coined by John Searle in his *The Construction of Social Reality* – to the concept of recognition as defined by Hegel and those continuing that tradition is an extremely recent phenomenon. The 2011 edited volume, *Recognition and Social Ontology*, was the first and remains to date the only scholarly examination of the two topics together.[34] To a great extent, this reflects the fact that recognition – at least for those who wish to retain a strong ontological basis for it – has been a key concern of those working in the Continental tradition, whereas social ontology has been largely (but by no means exclusively) an analytical concern, reaching out more to cognitive science than to German Idealism. There have certainly been crossovers, such as the communitarian philosopher Charles Taylor, whose work is strongly influenced by Hegel and who also has an interest in the emerging field of social ontology.

A key division in social ontology is that between the 'simulation theory' and 'theory-theory' views of empathy and interrelations. The definitions are the subject of some discussion, but run broadly as follows:

> *Simulation theory* – We understand others' behaviour by activating mental processes in ourselves that simulate that behaviour (and, if followed through to a certain extent, would cause or produce similar physical processes to those we are observing). This is often supported by biological evidence such as the phenomenon of mirror neurons.
>
> *Theory-theory* – We understand others' behaviour by means of a theory of mind that extrapolates from ourselves, our motivations, desires and beliefs, to the Other and (on some versions of the theory) we ascribe to others a similar theory of mind.

There is also a substantial ontological basis of assumptions at play in the simulation theory, most notably that mental events cause physical events. This is obviously particularly congenial to Idealism. It is a mental process that is involved in our perception, interpretation and understanding of the Other's

actions. Since these mental processes would, if taken to completion, produce similar physical processes to the ones we are observing the Other perform – in the case of mirror neurons where the same neural activity can be observed in the observer as the one performing the action, this is attestable by observation – the order of causality can be observed. One should not be too quick to draw this conclusion, however: whilst the neural correlates of consciousness can be observed, the point at which the understanding begins cannot. Nevertheless, the simulation theory can form part of an Idealist picture. An argument against the theory-theory is that it sets a very high bar for the social self, and is quite demanding about what counts as understanding the Other, or interacting with the Other. Young children and people with some autistic spectrum traits and developmental disorders find it much more difficult, or impossible, to ascribe a theory of mind to the Other or interlocutor.

At first glance, the theory-theory seems as if it might reflect a Hegelian theory of recognition better than the simulation theory. Whilst embodiment is crucial to Hegelian accounts of recognition, as Butler points out and Beauvoir is also aware, the scientific explanation involved in the simulation-theory account of human interaction does not easily map on to the account of perceived or felt corporeity in the appropriation of Hegel's master–slave dialectic. Understanding the self and the Other as both subject and object, as Butler, and to some extent Beauvoir's appropriation of the dialectic, demands we do, in fact sounds just like using a theory of mind to understand and interact with the Other. Hegel's concept of recognition as a necessary step on the path to self-consciousness simply *is* demanding – it is not just existentialist transcendence that the subject is aiming at, but self-consciousness and ultimately, on the Hegelian account, absolute knowledge. Recognition also, to a great extent, involves working against one's simple instincts, and holding desire in check. It does not happen automatically, or we would not need a positive ethical concept of recognition. Perhaps the theory-theory version is the suitable basis in social ontology for an account of recognition.

However, if Butler, along with Nancy, Rotenstreich and, of course, Lévinas – who favour the 'ecstatic' view – are right, then recognition is not a purely cognitive phenomenon. We *experience* the Other rather than understanding her purely cognitively. Lévinas' account is perhaps the clearest in this regard. For him, the Other calls to the self, sometimes without words, and presents itself as something to be recognised. The human face, for Lévinas, 'orders and ordains' us. As Butler underlines with her claim that recognition and judgement are not co-extensive, recognition is simply not a cognitive process, and it is certainly not a disembodied one.

Whatever the biological basis of the simulation theory, it is in some way an answer to the Beauvoirian analysis – the master's identification of himself with a non-corporeal I, or the man's ill-fated quest for disembodiment, is a spectacular act of bad faith. Only the *embodied*, on the ecstatic, simulation-theory view of recognition, can actually recognise and be recognised. Whilst some explanatory work is certainly required in order to make room for biological discoveries such as mirror neurons, this can help to combine the ecstatic view of interaction and recognition with the simulation theory. The firing of neurons instantiates a physical as well as mental change, however subtle, in the interacting subject. It can never again be that which it once was.

If Butler is right about the extent to which the opacity of the self and the view of self as not fully autonomous have consequences for freedom and responsibility, *and* if the self is fundamentally social in the relevant way, then she has provided an ethical basis for recognition. It is not purely individual freedom that is at stake, because to approach the question in this way is a misunderstanding. To treat the social self as preformed would be to give a false account of autonomy and of moral responsibility. Here, again, Lévinas underlines what is at stake – for him, there is no ethical subject prior to the encounter with the other, no subject as a 'pre-established ontological reality'.[35] To treat subjects in the ethical sphere as if they were fixed and asocial is an error. We do not have to accept Lévinas' advocation of ethics as first philosophy in order to accept this view, and with it the ecstatic-simulation account of human interaction as a basis for recognitive relationships.

This insight fits in to the general framework of Idealism, since it is ontologically motivated, and aims to find a basis at the most fundamental level for recognitive relationships. Idealism can thus feed back into social ontology as well, by providing an ontological basis for something that is often argued about at the empirical level. A transcendental or 'world-disclosing' argument, similar in structure to that of Kant's refutation of idealism, is possible – given that recognition succeeds, what must be the case about the priority of mental and physical events? The account given here suggests that mental events must be prior, since we have examples of successful human interaction and recognitive relationships, and therefore that the simulation account must be correct.

The affirmation in this sense of the ecstatic view shows again why Butler feels Hegelian recognition cannot tell the whole story. This is true at least on the individual, epistemological level, as '[t]he Hegelian Other is always

found outside; at least, it is first found outside and only later recognized to be constitutive of the subject.'[36] This does not mean, of course, that it is not always in fact constitutive of the subject. We can look again at the moment when self-consciousness emerges:

> Only so and only then [with the completion of the notion of self-consciousness and its three moments] is it self-consciousness in actual fact; for here first of all it comes to have the unity of itself in its otherness. The I which is the object of its notion, is in point of fact not 'object'. The object of desire, however, is only independent, for it is the universal, ineradicable substance, the fluent self-identical essential reality. When a self-consciousness is the object, the object is just as much I as object. With this we already have before us the notion of *Spirit*. What consciousness has further to become aware of, is the experience of what Spirit is – this absolute substance, which is the unity of the different self-related and self-existent self-consciousnesses in the perfect freedom and independence of their opposition as component elements of that substance: I that is 'we', and 'we' that is a single I. Consciousness first finds in self-consciousness – the notion of spirit – its turning-point, where it leaves the parti-coloured show of the sensuous immediate, passes from the dark void of the transcendent and remote supersensuous, and steps into the spiritual daylight of the present.[a,37]

The turning point is when the Other is recognised as a component of the self, and this, for Hegel, is the emergence of self-consciousness. Crucially, for the account I am proposing here, consciousness is not yet aware of what it, as part of Spirit, is – Spirit is the unity of self-consciousnesses in all their differentiation. This shows that an ecstatic view of recognition and a simulation view of human interaction in fact accord well with a basis in a

a. 'Es ist ein Selbstbewußtsein für ein Selbstbewußtsein. Erst hierdurch ist es in der Tat; denn erst hierin wird für es die Einheit seiner selbst in seinem Anderssein; Ich, das der Gegenstand seines Begriffs ist, ist in der Tat nicht Gegenstand; der Gegenstand der Begierde aber ist nur selbstständig, denn er ist die allgemeine unvertilgbare Substanz, das flüssige sichselbstgleiche Wesen. Indem ein Selbstbewußtsein der Gegenstand ist, ist er ebensowohl ich wie Gegenstand. – Hiermit ist schon der Begriff des Geistes für uns vorhanden. Was für das Bewußtsein weiter wird, ist die Erfahrung, was der Geist ist, diese absolute Substanz, welche in der vollkommenen Freiheit und Selbstständigkeit ihres Gegensatzes, nämlich verschiedener für sich seiender Selbstbewußtsein, die Einheit derselben ist; Ich, das Wir, und Wir, das Ich ist. Das Bewußtsein hat erst in dem Selbstbewußtsein, als dem Begriffe des Geistes, seinen Wendungspunkt, auf dem es aus dem farbigen Scheine des sinnlichen Diesseits, und aus der leeren Nacht des übersinnlichen Jenseits in den geistigen Tag der Gegenwart einschreitet.' G. W. F. Hegel, *Werke in zwanzig Bänden* , ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), III, 140

monistic ontology. As part of a single substance and subject, the subject is changed only on one level by its encounter with the Other, since they are both part of the same Spirit. The subject or self-consciousness is also not aware of the relationship which it ultimately bears to the Other, underlining the fact that the self-relation to the Other is not a cognitive one, but pre-cognitive (and shaped by the two self-consciousnesses' embodiment). Despite Butler's post-structuralist intent, and despite the fact that the simulation theory of human interaction has a quite different goal in mind, it seems that an analysis that argues for an ecstatic, simulation-based account of human relationships and recognition can remain fundamentally Hegelian.

Conclusion

Further questions remain about autonomy and freedom. Hegel's specific view of freedom, which requires the self-conscious subject to exist in a particular social framework,[38] would be difficult to reconcile with accounts of freedom and free will offered by contemporary analytical philosophers. It would involve an extremely carefully considered form of compatibilism to reconcile typical contemporary accounts of moral responsibility with Hegelian freedom where the subject is in a constant state of flux.[39] This is not, however, an argument against the compelling view put forward by Lévinas, and in a slightly different form by Butler, that a useful ethics in fact demands we always see the subject, not as fixed, but as socially constituted.

Indeed, if the analysis put forward in this essay has merit, it will have much to say to those concerned with the ethics of institutions. If the ethical subject is constituted by its relations with others, and if we have to understand moral responsibility in this context, it will be vital that institutions help to shape ethical subjects by providing them with a framework for human interaction. The most obvious example here is educational institutions, but in general a critical analysis of what Hegel would call civil society would be called for by a view of the moral self as constantly shifting and developing in reaction to its relationships with others. On the ecstatic view, the influence does not stop at a potentially fleeting empirical level, but pervades to the level of the subject itself. At the same time, the idea of the changing and shifting subject might provide fresh insight into how institutions can be seen as ethical subjects themselves. Instinctively, perhaps as a reaction to the traditional picture of the individual human with a fixed moral character and the institution as made up of its members, shaped by an ethos that might also be in flux, institutions are seen as completely different kinds of entities for the

purposes of moral philosophy and general ethical considerations. The ethics of the subject in flux might change this view, and give us a way of according moral responsibility to institutions, which are always changing in response to various interactions, societal conditions and changes in membership. Such an analysis lies outside the scope of this piece, but is a potential direction for further research.

Notes

1. E. Lévinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne, 1969).
2. Axel Honneth, *The Struggle for Recognition: the moral grammar of social conflicts* (Cambridge MA: MIT Press, 1996).
3. A. Giddens, 'Labour and interaction', in J. B. Thompson and D. Held (eds.), *Habermas: critical debates* (London: Macmillan, 1982), 149–61.
4. Alexandre Kojève, *Introduction to the Reading of Hegel / by Alexandre Kojève: lectures on the 'Phenomenology of Spirit'*, ed. Allan Bloom, trans. James H. Nichols Jr (Ithaca, NY: Cornell University Press, 1980).
5. N. Fraser, 'Rethinking recognition', *New Left Review* 3 (2000), 107–20, at 109.
6. M. Fricker, *Epistemic Injustice: power and the ethics of knowing* (Oxford: Oxford University Press, 2007).
7. Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A political-philosophical exchange* (London: Verso, 2003). See also S. Thompson, 'Is redistribution a form of recognition? Comments on the Fraser–Honneth debate', *Critical Review of International Social and Political Philosophy* 8 (2005), 85–102.
8. S. de Beauvoir, *The Ethics of Ambiguity*, trans. Bernard Frechtman (New York: Citadel Press, 1976).
9. John Searle, *The Construction of Social Reality* (New York: Free Press, 1995).
10. Simone de Beauvoir, *Le deuxième sexe* (Paris: Gallimard, 1986), 231 (translation L.D.).
11. *Ibid.*
12. *Ibid.*, 16 (translation L.D.).
13. Simone de Beauvoir, *The Second Sex*, trans. Howard Parshley (Harmondsworth: Penguin, 1972), 277.
14. L. Irigaray, 'This sex which is not one', in R. R. Warhol and D. Price Herndl (eds.), *Feminisms: an anthology of literary theory and criticism* (New Brunswick: Rutgers University Press, 1997), 363–9.
15. E. Lundgren-Gothlin, *Sex and Existence: Simone de Beauvoir's 'The Second Sex'*, trans. Linda Schenck (London: Athlone, 1996).
16. Judith Butler, *Subjects of Desire – Hegelian reflections in twentieth century France* (New York: Columbia University Press, 1987), 62.
17. *Ibid.*, 51.
18. Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005), 27.
19. *Ibid.*, 33.

20. *Ibid.*, 45.
21. *Ibid.*, 51.
22. *Ibid.*
23. Judith Butler, 'Sex and gender in Simone de Beauvoir's *Second Sex*', *Yale French Studies* 72 (1986), 35–49.
24. de Beauvoir, *Le deuxième sexe*, 231.
25. Butler, 'Sex and gender in Simone de Beauvoir's *Second Sex*', 43.
26. *Ibid.*, 44.
27. Michael Theunissen, 'The repressed intersubjectivity in Hegel's Philosophy of Right', in Drucilla Cornell, Michael Rosenfeld and David Carlson (eds.), *Hegel and Legal Theory* (1991), 3–63.
28. Jean-Luc Nancy, *The Restlessness of the Negative* (Minneapolis: University of Minnesota Press, 2002), 64, cited in Butler, *Giving an Account of Oneself*, 26.
29. Butler, *Subjects of Desire*, 78.
30. Nathan Rotenstreich, 'On the ecstatic sources of the concept of "Alienation"', *Review of Metaphysics* 16, no. 3 (1963), 550–5.
31. Butler, *Giving an Account of Oneself*, 27.
32. *Ibid.*, 23.
33. *Ibid.*, 9.
34. Heikki Ikäheimo and Arto Laitinen (eds.), *Recognition and Social Ontology* (Leiden: Brill, 2011).
35. Annika Thiem, *Unbecoming Subjects: Judith Butler, moral philosophy, and critical responsibility* (New York: Fordham University Press, 2008), 98.
36. Butler, *Giving an Account of Oneself*, 27.
37. G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Clarendon Press, 1979), 145–6, § 177.
38. See e.g. M. Westphal, *Hegel, Freedom, and Modernity* (Albany: SUNY Press, 1992).
39. An excellent starting-point would be Robert B. Pippin, 'Naturalness and mindedness: Hegel's compatibilism', *European Journal of Philosophy* 7 (1999), 194–212.

15

Idealism in the German tradition of meta-history

Jörn Rüsen

This chapter will consider the impact of the Idealist tradition on a key element in the development of both the philosophy of history and the historical profession in Germany: the idea of *meta-history*. By *meta-history* is meant a more or less systematic reflection on the principles and procedures of historical thinking, mainly in its academic professional form. In most languages other than English this form of reflection is described as 'scientific'. In the German discourse on this reflection, the term *Historik* is used.

The development of the German tradition of meta-history goes along with the formation of the professional or scientific character of historical scholarship in Germany.[1] This process of professionalisation started in Germany at the end of the eighteenth century and ended with the institutionalisation of historical studies as an academic discipline in the first half of the nineteenth century. This transformation took place in many different forms and places like specialist journals with a discourse on historical research, and academic teaching in historical seminars, where the students were taught how to examine historical sources in a professional way. In terms of scholarship the scientific character of historical studies became manifest in extensive editions of historical sources like the *Monumenta Germaniae Historica* (founded 1819) or the *Corpus Inscriptionum Graecarum* (founded 1815).

Meta-history has had a long tradition in intellectual life, not only in Western history,[2] but in recent forms as well, where it has adopted new elements in the formation of modern historical thinking. The most remarkable of these elements is the modern philosophy of history. In Germany it received its classical form in the late eighteenth and early nineteenth centuries in a special discourse among historians and philosophers, the most prominent

All translations J.R. unless indicated otherwise.

of which were Kant, Herder, Schlözer and Schiller. This discourse on what history means as the temporal form of human life in the past did not refer to an already established academic discipline, but cleared the ground for a new way of thinking about the past, so that a specific academic form and institution could come into being.

The idea of history as a professional discipline of study was developed in meta-history in the form of a methodology. Here meta-history explicated the rules of historical research.

The success of research in bringing about reliable knowledge of what happened in the past, however, did not abolish the philosophy of history as a form of knowledge in its own right, but tended to marginalise it as the sphere of specifically *philosophical* knowledge about history. The philosophy of history concerned itself with the unreflected conceptual preconditions of historical thinking in its professional form. In its place, history as an academic discipline moved to defend its claim to communicate reliable knowledge about the past and succeeded in claiming a monopoly of historical knowledge by research. Meta-history in turn had to justify the specific form of this kind of knowledge against the domination of the natural sciences as a paradigm for scientific thinking per se. In fulfilling this role meta-history became the epistemology of the historical discipline.

From the end of the eighteenth century up to the present day we find a complex mixture of different forms of argumentation in meta-history: philosophy of history, methodology of historical research, and epistemology of historical cognition. Two further modes of reflection have played a role as well: an overview of the field of historical knowledge, called 'encyclopaedia', and a reflection on historiography, focusing on the form of presenting historical knowledge by historiographical writing.

The most influential and paradigmatic presentation of meta-history in the German tradition is Johann Gustav Droysen's *Historik*.[3] Originally this was delivered as a course of lectures teaching students of history the principles and procedures of their discipline as a whole. The course was first delivered in 1857 and ended in the winter term of 1882/3. Droysen himself only published an outline of this course for his audience. The first publication of his complete series of lectures took place in 1937; a critical edition started in 1977 and is still in the making.[4]

By *Idealism in history* is meant an interpretation of the past in its temporal dimension which refers to mental or spiritual basic factors (*geistige Grundlagen*) as the main causes for temporal change in the human world. Very often it uses the term 'ideas' in order to address the core issues of historical

thinking. For this tradition 'ideas' are the most important forces that shape the reality of human life. All forms of human life have to be understood as manifestations of ideas.

This form of historical idealism dominated the German tradition of meta-history from its very beginning at the end of the eighteenth century until the end of the nineteenth. In the form of the recent linguistic and cultural turns in the humanities it still shows its power today. This remains the case despite the critiques of Marxist materialism, sociological functionalism, and many other approaches to history which have emphasised other than 'ideal' factors, such as the economic, material or social conditions, as determinants of human life, its dependence upon natural resources, the influence on the course of history of unconscious forces striving for power or the fulfilment of sexual desire.

The Idealist tradition in the German discourse on meta-history may be considered from four perspectives. These perspectives emphasise the main dimensions of meta-history: (a) philosophical, (b) methodological, (c) epistemological and finally (d), poetical and rhetorical.

(a) Idealist concepts of history

Idealism in German philosophy of history can be studied in the works of most of the prominent German philosophers and historians who have reflected on the subject matter of modern historical thinking. In fact, specifically modern historical thinking was first presented on this reflective level in an Idealist way.

For the Idealist tradition in the philosophy of history, the idea of modernity is conceptualised and related to the discipline of historical study in two principal ways. First, from the very beginning of Idealism in the eighteenth century, history was conceptualised as the temporal dimension of universal human experience. Some paradigmatic texts demonstrating this idea of history are the following: Johann Christoph Gatterer's 'On the Plan of History in Relation to the Writing of Historical Narrative',[a] Isaak Iselin's *On the History of Humanity*,[b] August Ludwig von Schlözer's *Idea of a Universal History*,[c] Immanuel Kant's 'Idea for a Universal History from a Cosmopolitan Point of View',[d] Johann Gottfried Herder's *Another Philosophy*

a. 'Vom historischen Plan und der darauf sich gründenden Zusammenfügung der Erzählung' (1767)
b. *Über die Geschichte der Menschheit* (1770) c. *Vorstellung einer Universalgeschichte* (1772)
d. 'Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht' (1784)

of History for the Education of Humanity,[e] and *Ideas for a Philosophy of the History of Humanity*,[f] Friedrich Schiller's inaugural lecture as professor of history in Jena on 'What Is, and to What End Should We Study, Universal History?',[g] and, of course, Hegel's *Lectures on the Philosophy of World History*,[h] which were first presented as a lecture course in Berlin in the winter term of 1822/3.

The second characteristic of modern history is the assumption that this universal history can be understood by rational means, i.e. by conceptual constructions and methodical rules. This assumption is best represented by Leopold von Ranke's famous characterisation of the object of historical scholarship as the quest to discover 'wie es eigentlich gewesen' ('how it really was').[5] These words are used in his first book in 1824 *Geschichte der romanischen und germanischen Völker von 1494–1514* (to which he owed his professorship at the Friedrich Wilhelm University at Berlin; this renowned university was founded in 1810 under the influence of the Idealist thinkers Humboldt and Schleiermacher).

In the explicit form of philosophy the Idealist character of this idea of history as temporalised humanity is evident. It is the human spirit, – seen as a gift of nature to the human race liberating humankind from the domination of nature – which sets human life into its peculiar historical movement. Of course, the Idealist philosophers did not deny the fact that human life was also partially determined by non-ideal factors such as material interests, the struggle for power, social conflicts and so on. They were not blind to the forces which effect temporal change in human lives. But for them change was not yet history. Only if it has a meaningful orientation towards the present, only if it appears as *Entwicklung* (development) can change be perceived as history. Change is meaningful only if the temporal dimension of change is brought into a comprehensive perspective, which combines the past with the future perspective of present-day human life. The extension of this perspective can be seen as the idea of humanity. This idea, however, becomes manifest only in a vast variety of different life-forms and their changes. Its substance – which might also be called its intention – is the human mind. This mind or *Geist* is defined by freedom and reason. Through freedom human beings are able to create their own ways of life according to their

e. *Auch eine Philosophie der Geschichte zur Bildung der Menschheit* (1774)
f. *Ideen zur Philosophie der Geschichte der Menschheit* (1782–91)
g. 'Was heisst und zu welchem Ende studiert man Universalgeschichte?' (1789)
h. *Vorlesungen über die Philosophie der Weltgeschichte* (1822–3)

own ideas and intentions, and through reason these ideas and intentions give rise to a culture of argumentative communication. The idealism of this philosophy of history may be characterised by one sentence from Herder and another one from Humboldt. In his essay *Another Philosophy of History* Herder said, 'All physical and political aims decay like fragments and corpses; what prevails is soul and spirit, content of the totality of humankind.'[i] Humboldt put the essence of his philosophy of history in the single sentence,

> All history is the realisation of an idea. In the idea there resides both its motivating force and its goal . . . The goal of history can only be the actualisation of the idea, which is to be realized by mankind, in every way and in all shapes, in which the finite form may enter into a union with the idea.'[j,6]

For the professional historians the explication of this philosophical foundation of historical thinking did not belong to the discourse of their discipline. On the contrary, they rejected it as not being based on reliable knowledge, which could be produced only by a solid treatment of the sources. But as a series of basic presuppositions about human history and the significance of its study, this philosophical foundation remained a necessary condition for their professional work. This can easily be proved by an analysis of exemplary works of historiography: here the key word and concept which constitutes the past as history is 'idea'. General and fundamental allusions to the power of ideas in history are legion. An especially telling example is Ranke's statement in his lectures to King Maximilian of Bavaria in 1854, 'In attracting different nations and individuals to the idea of humanity and culture, progress is unconditional.'[k]

i. 'Alle bloß körperliche und politische Zwecke zerfallen wie Scherb und Leichnam: die Seele, der Geist, Inhalt fürs Ganze der Menschheit – der bleibt . . . ' Johann Gottfried Herder, *Auch eine Philosophie der Geschichte zur Bildung der Menschheit.* Johann Gottfried Herder, *Zur Philosophie der Geschichte: Eine Auswahl in zwei Bänden* (Berlin: Aufbau-Verlag, 1952), I, 523

j. '[A]lle Geschichte [ist] nur die Verwirklichung einer Idee, und in der Idee liegt zugleich die Kraft und das Ziel . . . Das Ziel der Geschichte kann nur die Verwirklichung der durch die Menschheit darzustellenden Idee sein, nach allen Seiten hin, und in allen Gestalten, in welchen sich die endliche Form mit der Idee zu verbinden vermag . . .' Wilhelm von Humboldt, 'Über die Aufgabe des Geschichtsschreibers', in *Werke*, ed. Andreas Flitner and Klaus Giel, vol. I: *Schriften zur Anthropologie und Geschichte* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1960), 605

k. '[I]n der Herbeiziehung der verschiedenen Nationen und der Individuen zur Idee der Menschheit und der Kultur ist der Fortschritt ein unbedingter.' Leopold von Ranke, *Über die Epochen der neueren Geschichte*, *aus Werk und Nachlaß*, ed. Th. Schieder and H. Berding (2nd edn, Munich: Oldenbourg, 1971), 80

(b) Idealist methodology

The second characteristic of modern historical thinking is the principle of cognisability. The peculiar temporal direction in the change of human affairs in the past is brought about by the power of ideas based on the general and fundamental human ability to create a cultural world, which is shaped according to the possibility of giving sense and meaning to an objective historical situation.

Wilhelm von Humboldt – addressed by Droysen as 'the Francis Bacon of historical studies'[7] – described this as the ability of the human mind to look into the essence of historical development in a hermeneutical way. Historians can understand the course of history as moved by the spirit, since their intellectual means of cognition belong to the same spirit (*Geist*) of humankind as the one that gave temporal change in the past a historical direction to the present and the future. Because of its cultural dimension, manifest in the expression of the action-guiding intentions of human beings, every historical development is open to our understanding. We humans can have insight into the driving forces (*bewegende Kräfte*), which constitute the temporal character of development. This is the Idealist basis of historical hermeneutics. 'All understanding presupposes an analogue of that which will actually be understood later, in the person who understands, as a condition of its possibility: it is an original, antecedent congruity between subject and object.'[l,8] Humboldt left no doubt that this idealism was the most important principle in the generation of historical meaning: 'Everything depends on this mutual assimilation of the researching power and its subject matter.'[m]

According to Humboldt the historian has to identify and explicate a metaphysical movement in the temporal changes of the human world in the past, which defines the historical character of these changes, '. . . the aspiration of an idea to achieve a real existence'.[n] It is the same aspiration which moves the historians' minds in their cognitive work, and their interest in understanding historical change in the past. Both aspirations are two sides of the same spirit.

l. 'Jedes Begreifen einer Sache setzt, als Bedingung seiner Möglichkeit, in dem Begreifenden ein Analogon des nachher wirklich Begriffenen voraus, eine vorhergängige, ursprüngliche Übereinstimmung zwischen dem Subjekt und Objekt.' Humboldt, 'Über die Aufgabe des Geschichtsschreibers', 598

m. 'Auf diese Assimilation der forschenden Kraft und des zu erforschenden Gegenstandes kommt allein alles an.' *Ibid.*, 588

n. '[D]as Streben einer Idee, Dasein in der Wirklichkeit zu gewinnen'. *Ibid.*, 605

With this Idealist philosophy of history and hermeneutics of historical understanding modern historians were able to place their cognitive work at the centre of history as something that has really happened. When Ranke said that he only wanted to show 'how it really was', the word 'really' carried in itself a whole Idealist philosophy of history and historical understanding.

Meta-history as a reflection of the principles and procedures of academic or 'scientific' historical thinking was not at all satisfied with this fundamental principle of historical understanding. So it elaborated it into a system of methodical rules of historical research. This elaboration transferred the concept of historical understanding, derived from the ontology of history as temporalised humanity, into the daily work of professional historians. For them, the disciplinary character of their cognitive work consists of procedures of research. Research is a strategy for gaining solid knowledge about the past from its evidence, its empirical remains, the so-called sources. This strategy is guided by methodical procedures, which render the process of cognition empirical and provide its outcome with intersubjective reliability (often and misleadingly called 'objectivity'). In its essence, the core of the historical discipline, its method of cognition or rational cognisability, is Idealist hermeneutics.

(c) Idealist epistemology

From the very beginning of the formative period of modern historical thinking, epistemological argument in the discourse of meta-history was committed to the justification of the rational and methodical character of historical cognition.[9] By doing so, meta-history confirmed the Idealism of the philosophy of history by stressing the constitutive role of the subjectivity of the historian. It is he or she who transfers the power of ideas in the actual process of historical change and development into the mental process of self-reflection. Therefore the historian's work of understanding mirrors the history-constituting power of the mental and spiritual powers of humankind, which create culture in its various and changing forms.

After the philosophical conceptualisation, and the ensuing methodological conceptualisation, of historical understanding a more subject-specific epistemology was needed to explicate the achievements of historical studies as an academic discipline. The purpose of this explication was mainly one of legitimation. In the context of the other academic disciplines, especially the natural sciences with their technological application, the peculiar

cognitive status of historical knowledge had to be defended. The fact that such knowledge could be shown to be the product of rigorous and epistemologically legitimated research was therefore an argument against the epistemologically paradigmatic role of the natural sciences.

It was therefore the task of epistemology to confirm the Idealist understanding of the significance of both history and historical knowledge. Epistemology was necessary not only to defend this Idealist character of historical knowledge, but to legitimate such knowledge in terms of general standards of intersubjective validity. The issue was the link between the methodological basis of historical knowledge and an Idealist understanding of the distinctive nature of historical thinking. Epistemology disclosed the specific logical difference between the rational character of historical thinking and that of the natural sciences. Droysen presented this as a difference between explanation and understanding.[10] Dilthey took over this dichotomy between explaining and understanding, deepened it by a hermeneutical psychology and extended it to a general theory of the humanities;[11] Windelband distinguished nomothetic and idiographic thinking;[12] Rickert based the logic of the humanities on the fundamental difference between generalisation and individualisation,[13] and Max Weber extended Rickert's argument and gave it a methodological turn by his theory of ideal types as specifically historical concepts.[14] For Weber, the human capacity to generate meaning through interaction with the world is a necessary (epistemological) condition for the humanities and social sciences: 'Each discipline of the cultural sciences has the transcendental precondition, that we are cultural beings, gifted with the will and capacity to define ourselves in relation to the world and to bestow sense and meaning upon it.'[o] In most, if not all, of these cases historical Idealism played an important role. The peculiarity of historical thinking and its difference from the natural sciences were defined by a constitutive reference to values (Rickert and Weber call this *Wertbeziehung*), or principles of sense and meaning, in a world which would otherwise have no prior epistemological structure. This is clearly expressed by Max Weber's statement about the importance of ideas for historical change: 'Not ideas but (material and intellectual) interests directly dominate human activity. But the world-views, which were created by ideas, have very often

o. 'Transzendentale Voraussetzung jeder Kulturwissenschaft ist . . . , daß wir Kulturmenschen sind, begabt mit der Fähigkeit und dem Willen, bewußt zur Welt Stellung zu nehmen und ihr einen Sinn zu verleihen'. Max Weber, 'Die "Objektivität" sozialwissenschaftlicher und sozialpolitischer Erkenntnis', in *Gesammelte Aufsätze zur Wissenschaftslehre*, ed. Johannes Winckelmann (3rd edn, Tübingen: Mohr, 1968), 180

determined the paths along which the dynamic of interests directed this activity.'[p]

(d) The poetics and rhetoric of history writing

In recent times, reflection on history writing or historical representation has dominated the discourse of meta-history in the West.[15] It has made insight into the narrative character of historical knowledge the basis of a poetics and rhetoric of historiography. Here traditional Idealism has taken the form of subjectivism. From this perspective it is the creative power of the historian's mind which defines the essence of history, by defining the sense and meaning of the past as pure fiction.

In the traditional German meta-historical discourse historiography has not played a dominant role. It was not overlooked, but very often only marginally reflected in a functional relationship to the procedures of cognition.[16] But there is an interesting exception, *The Writing of History* (*Historik*), by Georg Gottfried Gervinus (1837).[17] Here the issue is indeed the writing of history, and from this perspective too 'ideas' are now presented as the dominating principle of historical representation: 'The historian has to learn how to distil the pure form of events, in order to single out the truly important matter from the contingent context. What is really important in history is what is attached to a historical idea.'[q]

It is evident that this theory of history writing follows the main Idealist trend shaped by the traditional German meta-historical discourse in its ontological, epistemological and methodological dimensions.

Conclusion

The fundamental elements of the Idealist tradition of meta-history retain their credibility. They may have lost their immediate relevance to historical method, but the hermeneutic tradition has remained, as well as its focus on

p. 'Interessen (materielle und ideelle), nicht: Ideen, beherrschen unmittelbar das Handeln der Menschen. Aber: die "Weltbilder", welche durch "Ideen" geschaffen wurden, haben sehr oft als Weichensteller die Bahnen bestimmt, in denen die Dynamik der Interessen das Handeln fortbewegte.' Max Weber, 'Die Wirtschaftsethik der Weltreligionen: Einleitung', in *Gesammelte Aufsätze zur Religionssoziologie* I (Tübingen: Mohr, 1922), 252

q. 'Der Historiker soll die reine Gestalt des Geschehenen erkennen lernen, um aus den anhängenden Zufälligkeiten das wahrhaft Wichtige kühn und sicher herauszuheben. Wichtig aber ist in der Geschichte, was sich einer historischen Idee anschließt.' Georg Gottfried Gervinus, 'Grundzüge der Historik' (1837), in *Schriften zur Literatur* (Berlin: Aufbau, 1962), 84f.

the mental energies of humankind, which have produced a vast variety of forms of life and transformed the fact of historical change into a meaningful process of development. Indeed, the recent cultural turn in the humanities has emphasised the continuing relevance of that tradition. The idea of 'culture' as the basic category for conceptualising history and guiding historical understanding includes spiritual and mental forces; it even includes counterfactual hypotheses (history as 'what if . . . ?'). Without this idealism of culture the human past cannot be adequately perceived or interpreted. The meta-historical discourse on the historiography of today may be called a subjectivist form of pure Idealism since it refers exclusively to the mental power of the human mind in making sense out of the experience of the past.[18]

However, historical Idealism today can no longer be thought of as standing in unbroken continuity with its tradition. This tradition underwent a rupture around the turn of the nineteenth to the twentieth century. This was caused chiefly by a general loss of confidence in the ability of ideas to shape the human world, which also reflected a fundamental change in the living conditions and social and economic status of the educated middle class. It was this class which produced historical Idealism as an expression of its ambitions and used it as a critique of pre-modern forms of life and in support of the emergence of modern civil society, nation states and liberal parliamentary democracy. When their cultural autonomy and superior social status were threatened, the bourgeoisie also lost their cultural idealism, and the power of philosophical idealism weakened. Thus this world-view and self-understanding lost their supremacy among professional historians as well and were more or less relativised or even replaced by other principles or ideologies, which powerfully referred to non-spiritual forces of change in the human world. Two of the most remarkable witnesses to this change and promoters of it were Friedrich Nietzsche and Karl Marx.

What of the Idealist tradition in the philosophy of history and the practice of historiography today? As long as historians' work is grounded in the hermeneutics of the forms of human life and their historical change, and as long as historical writing needs a coherent narrative form, the concepts generated by the Idealist tradition in historical thought will remain crucially relevant. 'Idealist' concepts will always be necessary to explain the relationship of humans to their world, but they cannot now be systematised as they once were by a meta-historical discourse which systematically applied the conceptual framework of philosophical idealism to the task of historical explanation. A new path must now be taken.

The Idealist tradition in historical thinking cannot simply be continued and renewed, for three main reasons: first, there is a growing awareness of the dependency of the history of humankind on non-ideal factors of life; second, the anthropological fact of the radical inhumanity of human kind can no longer be overlooked as a feature of historical experience; and, third, there is an urgent need for a new category in the intellectual work of the humanities and social sciences. They must develop a thoroughly realistic view of suffering as intrinsic to human life. An intellectually honest recognition of the historical experience of inhumanity and suffering, which 'Idealist' categories once served to suppress, must now become central to both the philosophy and practice of history. We have still to discover what kind of idealism this new kind of historical realism will require. However, it is clear that earlier German Idealism still has an impact in historical thought. We continue to need its insights, not least because we are confronted with the necessity of humanising this new realism by our own work in the humanities.

Notes

1. Horst Walter Blanke, 'Von Chytraeus zu Gatterer: eine Skizze der Historik in Deutschland vom Humanismus bis zur Spätaufklärung', in Horst Walter Blanke and Dirk Fleischer, *Aufklärung und Historik: Aufsätze zur Entwicklung der Geschichtswissenschaft, Kirchengeschichte und Geschichtstheorie in der deutschen Aufklärung* (Waltrop: Spenner, 1991), 113–40; Horst Walter Blanke, Dirk Fleischer and Jörn Rüsen, 'Theory of history in historical lectures: the German tradition of Historik, 1750–1900', in *History and Theory* 23 (1984), 331–56.
2. Two examples from pre-modern times, H. Homeyer, *Lukian: wie man Geschichte schreiben soll (Griechisch und Deutsch)* (Munich: Fink, 1965); Michael Quirin, *Liu zhije und das zhun qiu* (Frankfurt am Main: Lang, 1987).
3. Johann Gustav Droysen, *Historik: historisch-kritische Ausgabe*, ed. Peter Leyh (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1977); *Historik* II (in two parts): *Texte im Umkreis der Historik*, ed. Horst Walter Blanke (Stuttgart-Bad Cannstatt: Frommann-Holzboog 2007) (vol. III is still in preparation); *Historik: Supplement*, *Droysen-Bibliografie*, ed. Horst Walter Blanke (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2008).
4. Droysen published only an outline for students (1858 as a private, 1868 and 1875 as an official publication). This outline was quickly translated into English and French. Later on we find translations into Spanish, Italian, Japanese and other languages. The outline deeply influenced the handbooks of historical method in the late nineteenth century, like Bernheim's and Langlois and Seignobos': Ernst Bernheim, *Lehrbuch der Historischen Methode und der Geschichtsphilosophie, mit Nachweis der wichtigsten Quellen und Hülfsmittel zum Studium der Geschichte* (5th/6th edn, Leipzig: Duncker & Humblot, 1908), first published in Leipzig 1889 with the title *Lehrbuch der Historischen Methode* (repr., New York, 1960); Charles-Victor Langlois and Charles Seignobos, *Introduction aux études historiques* (Paris, 1898); C. V. Langlois and C. Seignobos, *Introduction to the Study of History*, trans. G. G.

Berry (London: Duckworth, 1932; repr., 1966). Longer versions of Droysen's *Historik* were translated into different languages, including Chinese, but never into English. This is the reason why this important and influential meta-historical work never had any impact on the English-speaking academic world. This is only one of the many examples of a general gap between the 'Continental' and the Anglo-Saxon discourse on conceptualising the principles and procedures of humanistic study. A recent example of the scale of this gap is Finn Fuglestad, *The Ambiguities of History: the problem of ethnocentrism in historical writing* (Oslo: Academic Press, 2005). The author addresses the main problems of conceptualising history as a temporal process of the human world in the past, without any reference to the hermeneutical tradition of the nineteenth century in continental Europe. See Jörn Rüsen, 'The horror of ethnocentrism: westernization, cultural difference, and strife in understanding non-western pasts in historical studies', in *History and Theory* 47 (May 2008), 261–9.

5. 'Man hat der Historie das Amt, die Vergangenheit zu richten, die Mitwelt zum Nutzen zukünftiger Jahre zu belehren, beigemessen: So hoher Ämter unterwindet sich gegenwärtiger Versuch nicht: er will bloß zeigen, wie es eigentlich gewesen.' ('History has been allotted the task of judging the past, to teach the contemporary world for the benefit of the future. Our present effort does not claim for itself such a prestigious task: it only aims at showing, how matters really were [what matters were really like; how things really happened]'); Leopold von Ranke, *Geschichte der romanischen und germanischen Völker von 1494–1514*, in *Sämtliche Werke* XXXIII (Leipzig: Duncker & Humblot, 1855), viii.
6. Wilhelm von Humboldt, 'On the historian's task', in Leopold von Ranke, *The Theory and Practice of History*, ed. Georg G. Iggers and Konrad von Moltke (Indianapolis: Bobbs-Merrill, 1973), 22.
7. Leyh, in Droysen, *Historik*, 418.
8. Von Humboldt, 'On the historian's task', 15, revised by Inge Rüsen (2012); also in *History and Theory* 6 (1967), 57–71.
9. Representative for this beginning is Johann Martin Chladenius, *Allgemeine Geschichtswissenschaft* (Leipzig, 1752; repr., Wien: Böhlau, 1985).
10. See note 3, p. 403, *passim*.
11. Wilhelm Dilthey, 'Ideen über eine beschreibende und zergliedernde Psychologie', in *Die geistige Welt: Einleitung in die Philosophie des Lebens*, in *Gesammelte Schriften* V (Stuttgart: Teubner, 1957); *Einleitung in die Geisteswissenschaften: Versuch einer Grundlegung für das Studium der Gesellschaft und der Geschichte*, in *Gesammelte Schriften* I (1st edn, 1883; 5th edn, Stuttgart: Teubner, 1962); *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften*, in *Gesammelte Schriften* VII (Stuttgart: Teubner, 1958); *Descriptive Psychology and Historical Understanding* (1911), trans. Richard M. Zamer and Kenneth L. Heiges (The Hague: Nijhoff, 1977).
12. Wilhelm Windelband, *Geschichte und Naturwissenschaft* (3rd edn, Strasburg: Heitz, 1904).
13. Heinrich Rickert, *Die Grenzen der naturwissenschaftlichen Begriffsbildung: eine logische Einleitung in die historischen Wissenschaften* (Heidelberg, 1896).
14. Max Weber, 'Die "Objektivität" sozialwissenschaftlicher und sozialpolitischer Erkenntnis', in *Gesammelte Aufsätze zur Wissenschaftslehre*, ed. Johannes Winckelmann (3rd edn, Tübingen: Mohr (Siebeck), 1968), 146–214; '"Objectivity" in social science', in *Sociological*

Writings, ed. Wolf Heydebrand, The German Library 60 (New York: Continuum, 1994), 248–59.

15. A recent example is Frank Ankersmit, *Meaning, Truth and Reference in Historical Representation* (Ithaca, NY: Cornell University Press, 2012).
16. See Jörn Rüsen, 'Geschichtsschreibung als Theorieproblem der Geschichtswissenschaft: Skizze zum historischen Hintergrund der gegenwärtigen Diskussion', in *Zeit und Sinn: Strategien historischen Denkens* (Frankfurt am Main: Fischer Taschenbuch, 1990), 135–52.
17. See Hayden White, 'Droysen's *Historik*', *History and Theory* 19 (1980), 73–93.
18. A typical example is Daniel Fulda, 'Strukturanalytische Hermeneutik: eine Methode zur Korrelation von Geschichte und Textverfahren', in Daniel Fulda and Silvia Serena Tschopp (eds.), *Literatur und Geschichte: ein Kompendium zu ihrem Verhältnis von der Aufklärung bis zur Gegenwart* (Berlin: De Gruyter, 2002), 39–60. 'Geschichte . . . wird im Medium narrativer Textstrukturen allererst gewonnen', 45.

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